WPP-47 / 2009-2011



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೬	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಡಿಸೆಂಬರ್ ೮, ೨೦೧೧, (ಮಾರ್ಗಶಿರ ೧೭, ಶಕ ವರ್ಷ ೧೯೩೩)	ಸಂಚಿಕೆ ೪೮

ಭಾಗ – ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರದ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 9 ಕೇನಿಪ್ರ 2011, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 11ನೇ ಆಗಸ್ಟ್, 2011.

2011ನೇ ಸಾಲಿನ ಜೂನ್ 27ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷೆನ್ 3(ii)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 1460 (E) (Notification No. 1-3/2007-CARA ದಿನಾಂಕ : 24–06–2011 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF WOMEN AND CHILD DEVELOPMENT

NOTIFICATION

New Delhi, the 24th June, 2011

Guidelines Governing the Adoption of Children, 2011

S.O. 1460 (E). -In Pursuance of the powers by sub-section (3) of section 41 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000) and in supersession of the Guidelines for In-country Adoption, 2004 and the Guidelines for Adoption from India, 2006, except as respects things done or omitted to be done before such supersession, the Central Government hereby notifies the Guidelines issued by the Central Adoption Resource Authority to provide for the regulation of adoption of orphan, abandoned or surrendered children.

Note -

(1) In order to ensure smooth functioning of the adoption process, Central Adoption Resource Authority, from time to time, issues Adoption Guidelines laying down procedures and processes to be followed by different stakeholders of the adoption programme. The Adoption Guidelines draw support from:

   (a) The Juvenile Justice (Care and Protection of Children) Act, 2000;

   (b) Judgement of the Hon'ble Supreme Court in the case of L.K. Pandey vs.Union of India in WP No 1171 of 1982;

   (c) UN Convention on the Rights of the Child, 1989;

   (d) The Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption, 1993.

(2) These Guidelines shall govern the adoption procedure of orphan, abandoned and surrendered children in the country from the date of notification and shall replace (i) Guidelines for In-country Adoption, 2004 (ii) Guidelines for Adoption from India, 2006.

CHAPTER - I

PRELIMINARY

1. Short title and commencement. — (1) These Guidelines may be called the Guidelines Governing the Adoption of Children, 2011.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. — (1) In these rules, unless the context otherwise requires-

(a) "Act" means the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000);

(b) “ACA” means the Adoption Coordinating Agency;

(c) “abandoned” means an unaccompanied and deserted child who is declared abandoned by the Child Welfare Committee after due inquiry;

(d) “adoption” means the process through which the adopted child is permanently separated from his biological parents and becomes the legitimate child of his adoptive parents with all the rights, privileges and responsibilities that are attached to the relationship;

(e) AFAA or “Authorised Foreign Adoption Agency” means a Foreign Social or Child Welfare Agency that is authorized by CARA for sponsoring the application of Prospective NRI or OCI or PIO or Foreign Adoptive Parents for Adoption of an Indian child;

(f) “ARC” means Adoption Recommendation Committee constituted by the State Government.

(g) “best Interest of the child” means a decision taken to ensure the physical, emotional, intellectual, social and moral development of a child;

(h) “CARA” means the Central Adoption Resource Authority;

(i) “CCC” means Child Care Corpus

(j) “Central Authority” means the Government department recognized as such under Hague Convention on Inter-country Adoption;

(k) “Child Welfare Committee” means Committee constituted under section 29;

(l) “children legally free for adoption” means orphan, abandoned and surrendered children declared free for adoption by the Child Welfare Committee;

(m) “CSR” means Child Study Report which contains details about the child such as the date of birth and social background;

(n) “habitual residence” means a place of settled dwelling, which constitutes a person's ordinary residence at least for a period of one year;

(o) “HSR” means Home Study Report containing details of the Adoptive parents’ social and economic status; family background; description of home; standard of living; relationship with spouse, if any, and other family members; health status and the like;

(p) ‘ICPS” means Integrated Child Protection Scheme launched by the Government of India in the Ministry of Women and Child Development;

(q) “In-country Adoption” means adoption of a child or children by a citizen of India residing in India;

(r) “Inter-country Adoption” means adoption of a child or children by persons having status of Non-Resident Indians or Overseas Citizens of India or Persons of Indian Origins or Foreign Nationals;

(s) "NOC" means No Objection Certificate issued by CARA permitting the child to be placed in adoption with prospective foreign or PIO or OCI or NRI adoptive parents;

(t) "NRI" means Non-resident Indian citizen who holds an Indian passport and is presently residing abroad;

(u) "OCI" means a person registered as Overseas Citizen of India (OCI) under section 7A of the Citizenship Act, 1955;

(v) "orphan" means a child who is without parents or willing and capable legal or natural guardian;

(w) "PIO" means Persons of Indian Origin;

(x) "pipeline cases" means those cases where the PAP(s) have already accepted referrals prior to the expiry or withdrawal of recognition of the concerned RIPA or SAA;

(y) "pre–adoption foster care" means a stage when the custody of a child is given to prospective adoptive parents (PAPs) with a view to adopt;

(z) "Prospective Adoptive Parents" means person eligible to adopt a child as per the Act;

(aa) Recognised Indian Placement Agency (RIPA) means one Specialised Adoption Agency recognized by CARA for placing children in inter-country adoption;

(y) "section" means a section of the Act;

(z) "schedule" means a schedule annexed to these Guidelines;

(za) "State Government" in relation to a Union Territory means the administrator of that Union Territory appointed by the President under article 239 of the Constitution;

(zb) "SAA" means the Specialised Adoption Agency which includes Recognised Indian Placement Agency (RIPA) and Licensed Adoption Placement Agency(LAPA);

(zc) "SARA" means the State Adoption Resource Agency;

(zd) "surrendered child" means a child, who in the opinion of the Child Welfare Committee, is relinquished on account of physical, emotional and social factors beyond the control of the parent or guardian; and

(2) All words and expressions used but not defined in these Guidelines shall have the same meaning as assigned to them in the Act.

3. Fundamental principles governing adoption. - The following fundamental principles shall govern adoptions of children from India, namely: -

(a) the child's best interest shall be of prime importance while deciding any placement;

(b) preference shall be given to place the child in adoption within the country;

(c) adoption of children shall be guided by a set procedures and in a time bound manner;

(d) no one shall derive any gain, whether financial or otherwise, through adoption.

4. Person competent to be adopted. - Any orphan, abandoned or surrendered child can be adopted following due procedure laid down in these Guidelines if such child is declared legally free for adoption by the Child Welfare Committee (CWC).

5. Person competent to adopt. - In accordance with the provisions of sub-section (6) of section 41, the Court may allow a child to be given in adoption, -

(a) to an individual irrespective of his or her marital status; or

(b) to parents to adopt a child of the same sex irrespective of the number of living biological sons or daughters; or

(c) to a childless couple.

6. Additional Eligibility Criteria for Prospective Adoptive Parents (PAPs). -(1) No child may be given in adoption to a couple unless they have at least two years of stable marital relationship.

(2) Couples in live-in relationship are not eligible to adopt a child.

(3) To adopt a child in the age group of 0-3 years, the maximum composite age of the PAPs should be 90 years wherein the individual age of the PAPs should not be less than 25 years and more than 50 years.

(4) To adopt children above three years of age, the maximum composite age of the PAPs should be 105 years wherein the individual age of the PAPs should not be less than 25 years and more than 55 years.

(5) In case a single PAP desires to adopt, he or she should not be less than 30 years of age and shall not be above the age of 50 years. The maximum age shall be 45 years to adopt children in the age group of 0-3 years and 50 years for adopting children above 3 years.

(6) The PAPs should have adequate financial resources to provide a good upbringing to the child.

(7) The PAPs should have good health and should not be suffering from any contagious or terminal disease or any such mental or physical condition, which may prevent them from taking care of the child.

(8) Adoption of a second child is permissible only when the legal adoption of the first child has been finalized but this is not applicable in case of siblings.

(9) An un-married or single male person is not permitted to adopt a girl child.

7. Procedure for adoption. - (1) The PAPs may adopt a child in accordance with the procedure, namely: -

(a) The Indian PAPs habitually residing in India shall adopt a child only through a Government recognised adoption agency known as Specialised Adoption Agency.

(b) The PAPs shall register only with one recognised adoption agency, which should preferably be nearest to their place of residence.

(c) The PAPs in India can also register online at www.adoptionindia.nic.in

(d) The PAPs residing abroad shall adopt children only through CARA authorised agencies known as Authorized Foreign Adoption Agency(AFAA).

(e) The PAPs should register with an AFAA or Central Authority nearest to their place of residence.

(f) In countries where there is no AFAA or Central Authority, the Indian nationals may approach the Indian High Commission or Embassy for processing and forwarding their case to CARA.

(2) After regis tration, the PAPs shall follow the adoption procedure as provided in these Guidelines and as per the details given in CARA's website www.adoptionindia.nic.in

8. Priorities for Rehabilitation of a Child. - (1) The best interest of the child is served by providing him or her an opportunity to be placed with a family within his or her own socio-cultural milieu in the country itself.

(2) Due consideration should be given to the child's upbringing and to his or her ethnic, religious, cultural and linguistic background while placing him or her in adoption but, a child can be placed with any Indian PAP(s) within the country without any geographical barrier.

(3) The citizens of a country that has ratified the Hague Convention on Inter-country Adoption, 1993 and who are also habitual residents of a country that has ratified the said Convention can adopt a child from India.

(4) Indian nationals who live in countries which are not signatories to the Hague Convention are also eligible to adopt.

(5) Preference shall be given for placing a child in in-country adoption and the ratio of in-country adoption to inter-country adoption shall be 80:20 of total adoptions processed annually by a RIPA, excluding special needs children.

(6) The following order of priority shall be followed in case of inter-country adoptions;

(i) Non Resident Indian (NRI);

(ii) Overseas Citizen of India (OCI);

(iii) Persons of Indian Origin (PIO);

(iv) Foreign Nationals.

9. Adoption of Special Needs Children. - (1) Special care must be taken while processing the cases for adoption of special needs children, so that the prospective adoptive family is aware and ready to provide extra care and attention that the child needs.

(2) It is important to understand that child with special needs requires, more than any other child, the care and love of a family at an early stage.

(3) The adoption process for children with special need shall be completed as expeditiously as possible by the concerned authorities and time lines laid down for special needs children in these Guidelines shall be strictly adhered to.

(4) The PAPs wishing to adopt special needs children shall be given top priority in the waiting list.

(5) In spite of best efforts, some special needs children do not get adopted and have to remain in institutions and such children should be shifted by the Specialised Adoption Agency to specialized institutions in case such institutions are available in the State.

CHAPTER II

PRE-ADOPTION PROCESS

10. Procedure in case of Orphan and Abandoned Children.- It shall be the duty of every person, whether an individual or a nursing home or hospital or any other institution who or which finds an abandoned child or an orphan child without family support, to report the fact immediately either to the officer in charge of the nearest police station or the Child Welfare Committee (CWC) or Childline (Tel 1098) or the Specialised Adoption Agency in that area, as is practicable.

11. Admission. - (1) In case an abandoned child or an orphan child is received by a Specialised Adoption Agency, it shall admit the child to its home on a temporary basis and such admission shall be finalised only after authorisation by the Child Welfare Committee.

(2) The details of all children admitted by a Specialised Adoption Agency shall be entered in the Master Admission Register in the format as at **Schedule-I.**

(3) On admission of the child, the Specialised Adoption Agency shall give a name to the child, if not already given, record his or her brief social background, identification marks, height and weight and also cause medical examination of the child conducted.

(4) The child shall be photographed and if the child is abandoned, a report along with a photograph of the child shall be filed with the nearest police station within twenty-four hours of finding the child.

(5) The Specialised Adoption Agency shall take all necessary steps for the welfare of the child as per these Guidelines.

12. Production of child before CWC. - (1) The Specialised Adoption Agency shall produce the orphan or abandoned child, who is in their temporary care, before the Child Welfare Committee within twenty-four hours of receiving such a child, excluding the time taken for the journey.

(2) A copy of the report filed with the police station in whose jurisdiction the child was found abandoned shall also be submitted to the Child Welfare Committee.

(3) In case of a child under two years of age, who is unable to travel because of medical reasons, the Specialised Adoption Agency shall send a written report along with the photograph of the child to the Committee within twenty four hours and produce the child before the Committee as soon as the child is medically fit along with the medical certificate to that effect.

(4) The Specialised Adoption Agency shall make a report to the Child Welfare Committee on the circumstances under which the child came to their notice and efforts made by them for informing the police and the missing person's squad or missing persons bureau in the State and the Centre.

13. Restoration efforts. - (1) The Specialised Adoption Agency shall make restoration efforts in addition to the efforts made by the Child Welfare Committee to trace the parents or biological family of the abandoned child.

(2) The Specialised Adoption Agency shall also conduct an independent enquiry for the same purpose.

(3) In case of children below two years of age, the Specialized Adoption Agency shall make a notification in at least one leading national newspaper and one regional language newspaper having circulation in its area.

(4) A notification may also be made in a newspaper of the language spoken by the child and the notification shall be released in the area where the child was found abandoned.

(5) For children of two years or above, a television or radio announcement shall also be made.

(6) In case of children below two years of age, the process prescribed at sub paragraph (2) to (4) shall be completed within a period of sixty days from the date the child is found and in case of children of two years or above of age, the time period shall be four months.

(7) In case a claimant appears for the child, the Specialized Adoption Agency shall refer the case to the Child Welfare Committee and the Special Adoption Agency shall abide by the decision taken by the Child Welfare Committee.

(8) In case, even after the lapse of the time period mentioned in sub paragraph (6), no claimant comes forward to claim the child, the Specialised Adoption Agency shall submit a declaration to the Child Welfare Committee stating that there has been no claimant for the child.

(9) A report on the efforts made by the Specialised Adoption Agency for tracing the child's background shall also be submitted to the Child Welfare Committee to assist them in taking an informed decision.

(10) The child shall not be considered for adoption until the Child Welfare Committee issues a Certificate declaring him or her to be legally free for adoption.

14. Procedure in case of Surrendered Children. -(1) A child may be surrendered in case: -

(i) The child is born as a consequence of non-consensual relationship;

(ii) The child is born of an unwed mother or out of wedlock;

(iii) One of the biological parents of the child is dead and the living parent is incapacitated or unfit to take care;

(iv) The parents of the child are compelled to relinquish him or her due to physical, emotional and social factors beyond their control.

(v) In all cases of surrender child, the admission procedure as laid down in sub paragraph 11 (2), (3), (4) and (5) shall be followed.

(2) In case the child is surrendered through the Specialized Adoption Agency, the procedure will be as follows:-

(i) The Specialised Adoption Agency shall produce the child to be surrendered along with the surrendering parent(s) before the Child Welfare Committee within twenty-four hours of receiving such child, excluding the time taken for the journey.

(ii) On directions of the Child Welfare Committee, the Specialised Adoption Agency may continue to keep the child in its temporary care until his or her restoration or rehabilitation.

(iii) In case of a single mother, unwilling to appear before the Child Welfare Committee, one member of the Child Welfare Committee, preferably female, may meet the mother separately.

(iv) In case of biological parents surrendering a child, this process shall be before a two member Child Welfare Committee.

(v) In case the Committee is not sitting, the child may be produced before the single member of the Committee as per the provisions contained in sub-section (2) of section 30.

(3) The information to be submitted to the Child Welfare Committee by the Specialised Adoption Agency, among other details, shall contain the following namely:-

(a) The details of the biological mother and father, including:-

(i) the social and psychological background;

(ii) the proof of address and identity ;

(iii) known medical history of both biological parents and

(iv) details of close relatives, if available.

(b) The details of the child being surrendered, including:--

(i) social and psychological background;

(ii) details of sibling(s), if any;

(iii) known medical history;

(iv) date and place of birth along with birth certificate, if available.

15. Completing the surrender process. - (1) In case the parents or one of parents approaches a Specialised Adoption Agency for surrendering the child, the agency shall make all efforts, including counselling, to prevent surrender of such child.

(2) Efforts shall also be made by the Child Welfare Committee for exploring the possibilities of parents retaining the child by counselling of the parents and explaining the consequences of surrender.

(3) If the parents are still unwilling to retain the child, such a child shall be kept initially in the custody of the SAA.

(4) If the surrender is inevitable, a deed of surrender as provided in **Schedule-II** shall be executed and signed by the person or persons surrendering the child and two other witnesses in the presence of the Child Welfare Committee.

(5) If a child born after wedlock is surrendered, both parents should sign the surrender document and in case one of them is dead, proof of death in support thereof is to be furnished.

(6) Where the death certificate is not available, a certificate from local Panchayat or Municipal authority should be produced.

(7) When a child is born to a married couple but is surrendered by one biological parent and the whereabouts of the other parent is not known, the child shall be treated as abandoned and further procedures shall be followed accordingly.

(8) In case of a child born out of wedlock, only the mother herself can surrender the child and if she is a minor, the signature of an accompanying close relative will be obtained on the surrender document.

(9) If the surrender is effected by any person other than the biological parent(s), the child shall be treated as abandoned and the same procedure shall be followed as that for an abandoned child.

(10) The Specialised Adoption Agency shall facilitate the surrender process before the Child Welfare Committee.

(11) The Specialised Adoption Agency and the Child Welfare Committee shall ensure that the surrendering parents or the legal guardian is made aware that they can reconsider the surrender and reclaim the surrendered child only within a period of sixty days from the date of such surrender.

(12) In all cases of surrender, confidentiality shall be maintained by the authorities and agencies involved in the process.

(13) The Specialised Adoption Agency or the CWC shall ensure that a copy of the Surrender Deed is retained by the surrendering parents or legal guardian, as the case may be, for reconsideration of their decision to surrender the child.

(14) The Committee shall declare the surrendered child legally free for adoption after the expiry of a reconsideration period of sixty days.

16. Declaration of a child legally free for adoption by the Child Welfare Committee.- (1) If all efforts for tracing the parents of an orphan or an abandoned child placed with a Specialised Adoption Agency on a temporary basis, have failed, and, in case of surrendered children, if the reclaim period of sixty days is over, the particular agency shall approach the Child Welfare Committee for declaring the child legally free for adoption.

(2) After satisfying itself that the due procedure, as laid down in the Act and the rules made there under, has been followed and that nobody has come forward to claim the child within the stipulated period, the Child Welfare Committee shall issue a Certificate declaring the child legally free for adoption.

(3) The certificate under sub paragraph (2) shall be made as per format provided in **Schedule-III.**

(4) No child of the age of seven years or above, who can understand and express his or her opinion, shall be declared legally free for adoption without his or her consent.

(5) A child becomes eligible for adoption only after the Child Welfare Committee has declared the child legally free for adoption through a certificate as mentioned in sub Para (b) above.

CHAPTER III

ADOPTION PROCESS

17. Adoption authorities and agencies for In-country Adoption. - The authorities or agencies involved in in-country adoption process shall be-

(a) The Court of Competent Jurisdiction who can pass Order for Adoption;

(b) Central Adoption Resource Authority (CARA);

(c) State Adoption Resource Agency (SARA) or Adoption Coordinating Agency (ACA) and

(d) Specialised Adoption Agency (SAA)

18. Registration. - (1**)** PAP(s) desiring to adopt a child shall register himself or herself with only one Specialised Adoption Agency, preferably nearest to place of residence and such agency shall guide the PAP(s) on the registration process.

(2) On receipt of the application for registration as per **Schedule-IV** along with necessary documents and requisite registration fee, Specialised Adoption Agency shall register the PAP(s) for adoption and issue them a registration slip.

(3) CARA shall also provide facility to the PAP(s) for on-line provisional registration through its website (www.adoptionindia.nic.in).

(4) In case, the PAP(s) wish to adopt from a Specialised Adoption Agency, other than the one where they have registered, but within the same state, the PAP(s) shall approach the ACA or SARA with their registration slip.

(5) The ACA or SARA shall contact the Special Adoption Agency from which the PAP(s) wish to adopt so that such PAP(s) are immediately included in the waiting list of PAP(s) of that Specialised Adoption Agency.

(6) In case the PAP(s) desire to adopt a child from any State other than the State where they are currently residing, they may approach the ACA or SARA of the State where they are residing, with their registration slip.

(7) The ACA or SARA shall convey the registration of such PAP(s) immediately to the ACA or SARA of the State from which the PAP(s) want to adopt the child so that such PAP(s) are immediately transferred to the waiting list of PAP(s) in that state.

19. Pre-Adoption Counselling and Preparation of the PAP(s). - (1) In order to facilitate the PAPs to take appropriate decision, the concerned Specialised Adoption Agency shall provide pre-adoption counselling to them.

(2) Such agency shall also prepare the PAP(s) for the adoption and related process by providing them with all relevant information.

20. Home Study and other requirements. - (1) The documents mentioned at **Schedule-V** shall be furnished by the PAPs to the concerned Specialised Adoption Agency to facilitate conduct of home study.

(2) Home Study of the PAP(s) shall be conducted within a maximum period of two months from the date of acceptance of registration only by the professional social worker authorized by the Specialised Adoption Agency nearest to their current place of residence.

(3) The Home Study Report shall be based on procedures as laid down at **Schedule-VI**.

(4) The Home Study Report of PAP(s) shall be valid for adoptions from any where in the country for a period of two years.

(5) The Medical Examination Report of the PAP(s) should not be more than one year old at the time of referral of the child.

21. Referral and Acceptance. - (1) The Specialised Adoption Agency shall constitute an 'Adoption Committee' consisting its Secretary or Managing Trustee, a senior professional social worker, Visiting Medical Officer and one other functionary of the Agency for assignment of the child.

(2) The assignment of a child with PAP(s) shall be done by the 'Adoption Committee' only after the child has been declared legally free for adoption by the Child Welfare Committee and the PAP(s) have been found eligible by the Specialised Adoption Agency to adopt.

(3) The Specialised Adoption Agency shall make best efforts to assign a child as per required description given by the PAP(s), if any.

(4) After matching the child, the Specialised Adoption Agency shall advise PAP(s) to see the child physically before they give their acceptance.

(5) The PAP(s) shall be shown the matched child or children only at the premises of Specialised Adoption Agency and if the PAP(s), so desire, they may get the child medically examined by their own medical practitioner.

(6) The Child Study Report and Medical Examination Report of the matched child (or children in case of siblings) shall be forwarded by the Specialised Adoption Agency to the PAP(s) for acceptance and this may be called a "referral".

(7) If the PAP(s) decide to adopt the proposed child, they shall give their formal acceptance for the adoption by signing on the Child Study Report and Medical Examination Report of the child within a period of ten days.

(8) In case the referred child is not acceptable to the PAP(s), a maximum of two other children shall be proposed to them at a given time.

(9) In case a matching does not take place, the PAPs shall be eligible for reconsideration only after a lapse of three months from the date on which the last child was shown to them.

(10) In case of placement of children of the age of seven years and above, written consent of the child for the proposed placement shall be obtained and in case the child can not read and write, verbal consent can be taken in the presence of the 'Adoption Committee' who shall record the same and take the signature or thumb impression of the child on the recorded statement.

(11) The date on which the consent of the child is obtained shall be clearly indicated in the Statement.

22. Pre-adoption foster care. - (1) A child can be placed in pre-adoption foster care after acceptance of referral by the PAPs.

(2) The PAPs shall be required to sign a foster care affidavit and undertaking before the child is placed in their temporary custody.

(3) Before physically entrusting the child to the prospective adoptive parents, the adoption agency shall ensure that it has a record of local contacts of the PAPs including contact details of two close relatives.

(4) During the period of foster care, the PAPs, shall have the right to take the child to any place within the country after duly informing the Specialised Adoption Agency subject to the condition that the child must be brought for the legal process as and when required by the Court.

23. Legal Procedure. - (1) The child can be legally placed for adoption with the PAP(s) by the competent court and for this purpose, the court having jurisdiction over the area where the Specialised Adoption Agency is located shall be the competent court.

(2) The Specialised Adoption Agency shall file a petition in the Competent Court of jurisdiction for obtaining the necessary adoption orders under the Act within ten days of acceptance of referral by PAPs and shall pursue the same regularly with the court so that the process of legal adoption is completed at the earliest.

(3) The adoption petition shall contain all requisite documents as per **Schedule-VII.**

(4) In accordance with the directions of the Honourable Supreme Court of India in the case of L.K.Pandey vs Union of India (WP No. 1171 of 1982), the competent Court is required to dispose off the case within a maximum period of two months from the date of filing.

(5) For the best interest of the child, the competent court may, to the extent possible, dispose of the case in the first hearing itself.

(6) The Specialised Adoption Agency shall forward a copy of the court order and the adoption deed to the concerned SARA or ACA and the PAP(s).

24. Follow up visits and post-adoption services. - (1) The Specialised Adoption Agency shall carry out half yearly follow-up visits of the child from the time the child has been placed in pre-adoption foster care till a period of two years after the legal adoption.

(2) The copies of the follow-up reports of the children shall be submitted by the Specialised Adoption Agency to SARA or ACA.

(3) In cases of disruption of adoption, the Specialised Adoption Agency shall make efforts for alternate rehabilitation of the child.

25. Timelines. - All agencies and authorities involved in the adoption process shall adhere to the time limits stipulated for in-country adoption as provided in **Schedule-VIII.**

26. Procedure for Inter-country Adoption as per the Hague Convention on Inter-country Adoption, - (1) The authorities and agencies involved in Inter-country adoption process shall be, -

(a) Court of Competent Jurisdiction who can pass Order for Adoption;

(b) Central Adoption Resource Authority (CARA);

(c) Central Authority in the receiving Country (CA);

(d) Indian Diplomatic Missions Abroad;

(e) Foreign Diplomatic Missions in India;

(f) Authorised Foreign Adoption Agency (AFAA);

(g) State Adoption Resource Agency (SARA) or Adoption Coordinating Agency (ACA);

(h) Recognised Indian Placement Agency (RIPA); and

(i) Adoption Recommendation Committee (ARC).

(2) The authorities and agencies referred to in sub-paragraph (1) shall be guided by the procedure laid down for inter-country adoption in these Guidelines which draws strength from the Hague Convention on Inter-country Adoption-1993 provided in **Schedule IX.**

27. Registration for NRI or OCI or PIO or Foreign PAP(s). - (1) The PAP(s) desiring to adopt any child or children from India may register with the Authorized Foreign Adoption Agency (AFAA) or Central Authority (CA) or Government Department dealing with adoption matters in the receiving country.

(2) The PAP(s)with the assistance of AFAA or CA shall obtain the permission of the competent authority of their country for adopting a child from India.

28. Home Study and other requirements. - (1) A professional social worker of the AFAA or Central Authority or Government Department dealing with adoption matters in the country of the habitual residence (365 days or more) of the PAP(s), shall conduct their Home Study and shall prepare the HSR and the HSR shall contain all documents as specified in **Schedule VI.**

(2) All documents forming part of the Home Study Report shall be notarized and the signature of the notary is to be apostilled by competent authority of the receiving country.

(3) If the documents are in any language other than English, then the originals must be accompanied by translations in English attested by competent authority.

(4) The HSR of PAP(s) shall remain valid for a period of two years but the medical status of the PAP(s) should not be more than one year old at the time of referral of the child.

(5) The Home Study Report should also indicate preferences, if any, of the PAP(s) about the child’s age, sex, physical and medical condition, or location within India.

29. Identification of RIPA by CARA. - (1) The AFAA or CA or concerned Government Department of the country receiving the child shall forward one attested or notarized copy of the HSR (not original) directly to CARA for identifying a suitable RIPA.

(2) CARA shall have a Screening Committee to examine the prima facie suitability of PAPs proposed for inter-country adoption and also identify the RIPA where the dossier will be forwarded and the Committee, headed by an official of CARA, shall also consist of external experts.

(3) While deciding to forward the dossier to a particular RIPA, the Committee shall keep in mind the preference of the PAP(s) for a particular State, availability of children and performance of the RIPA vis-à-vis in-country adoptions, etc.

(4) The process mentioned in sub-paragraphs (2) and (3) shall be completed preferably within a period of fifteen days from the receipt of dossier.

(5) The identified RIPA shall be informed by CARA and CARA shall also advise the concerned AFAA or CA or Government Department to send the original dossier to the identified RIPA.

(6) The identification of RIPA by CARA shall in no way ensure referral of a child from India and it is not obligatory on CARA to ensure referral of a child.

(7) The RIPA shall not entertain any application received directly from any AFAA or CA or PAPs from out of India, for adoption of an Indian child.

30. Referral and Acceptance. - (1) The RIPA shall be responsible for assigning, referral and placement of the child.

(2) In case a RIPA does not find the PAP(s) suitable after detailed scrutiny of their dossier forwarded by CARA, it shall, within fifteen days of receipt of the original dossier, inform CARA about the same along with the reasons thereof.

(3) CARA shall have the right to accept or reject the recommendation of the RIPA.

(4) After detailed scrutiny of the dossier and their acceptance as eligible PAPs, the RIPA shall match a child according to the request given by the PAP(s) as far as possible.

(5) The RIPA shall forward the referral constituting the Child Study Report and Medical Examination Report of the child to the AFAA or CA or concerned Government Department of the receiving country, as the case may be.

(6) The AFAA or CA or concerned Government Department of the receiving country, as the case may be, shall transmit the referral to the PAP for acceptance.

(7) On acceptance of the child by the PAP(s), the AFAA or CA or concerned Government Department of the receiving country, as the case may be, shall send back the original copy of the "referral for adoption" to RIPA, along with the following documents, namely:-

(i) Notarized or attested copy of the CSR and MER duly signed by PAP(s);

(ii) Power of attorney of the PAP(s) in favour of the official or social worker of the RIPA for filing the case in the court;

(iii) A certificate under Article 5 or agreement under Article 17 of the Hague Convention, as applicable, issued by the CA or competent authority of the receiving country

(8) The process of inter-country adoption of a child shall be completed by the AFAA or CA within a period of forty-five days from the date of the referral.

31. Recommendation for Inter-country Adoption by Adoption Recommendation Committee. - (1) The State Government shall constitute a Committee to be known as the Adoption Recommendation Committee (ARC) to scrutinize and issue a Recommendation Certificate for placement of a child in inter-country adoption.

(2) The Adoption Recommendation Committee shall consist of Director or Commissioner of the State Government dealing with children in need of care and protection or his representative, Programme Manager (Non-institutional care-SARA) and one external expert or psychologist who has no linkage with any adoption agency.

(3) Till SARA is operational in a State, the Chairperson of ACA or his representative shall function as a member of the Committee (in place of Programme Manager) along with the other members.

(4) On receipt of referral accepted by the PAPs, the RIPA shall forward two copies of the dossier which includes HSR of the PAPs and the CSR (including MER) duly signed by the PAPs to SARA or ACA along with a cheque or draft of Rs.2,500- drawn in favour of SARA or ACA, as the case may be, towards administrative expenses.

(5) The amount received shall be utilised for meeting the expenses in connection with processing the dossiers, payment to external experts and for other adoption promotion activities.

(6) The list of documents forming part of the dossier shall be as specified in **Schedule-X.**

(7) A sample affidavit to be executed on stamp paper of sufficient value and to be filed by the RIPAs is at **Schedule -XI**.

(8) The SARA would act as a secretariat to the committee constituted under sub-paragraph (1).

(9) The SARA shall receive the dossiers of cases for inter-country adoptions from the RIPA and put up the same before the ARC for issue of Recommendation Certificate.

(10) Till SARA becomes operational in a State, the ACA would perform the functions of SARA in that State.

(11) The SARA or ACA, as the case may be, shall ensure that the Recommendation Certificate is issued expeditiously within a period of 15 days from date of receipt of the dossier.

(12) In case of a special needs child, the SARA or the ACA, as the case may be, should issue the Recommendation Certificate within a period of 5 days from the date of receipt of the dossier.

(13) In case of medical special needs, the SARA or the ACA, as the case may be, may ask the RIPA to get a Certificate from a reputed medical institution or a Government Medical Officer.

(14) In case of siblings and older children, the ARC shall ensure that there is no waiting Indian PAPs within the region for such child or children.

(15) The Committee constituted for issue of Recommendation Certificate should satisfy itself about the suitability of the PAPs vis-a-vis the child proposed for adoption.

(16) The Committee shall also verify the documents filed by the RIPA and ensure that procedures have been correctly followed by the RIPA.

(17) In case, at any stage, SARA or ACA or ARC is not satisfied with the documents produced for obtaining recommendation certificate, it shall conduct appropriate investigation before disposing off the matter.

(18) The Recommendation Certificate (RC) issued by the Committee shall contain a positive recommendation if it is satisfied that the Committee has no objection to the child being placed with the proposed PAPs in inter-country adoption as per format in **Schedule** -**XII**.

32. Issue of No Objection Certificate (NOC) by CARA. - (1) Upon issue of Recommendation Certificate by the Adoption Recommendation Committee, the SARA shall retain one copy of the dossier and send the second set of dossier along with recommendation certificate to CARA.

(2) Till SARA becomes operational in a State, the ACA shall perform its functions under this paragraph.

(3) The ACA or SARA shall send a copy of the Recommendation Certificate to the concerned RIPA.

(4) CARA shall constitute a ‘No Objection Certificate (NOC) Committee’, which shall include CARA officials and external experts in the field of child development or psychology or social work or from the medical field and the committee shall be responsible for issuing ‘No Objection Certificate’ in each case of inter-country adoption.

(5) The NOC Committee constituted by CARA shall examine-

(i) the relevant documents submitted by the RIPA and verify that due procedures as laid down in these Guidelines have been followed.

(ii) whether matching and placement of the child with PAPs is in the best interest of the child.

(6) After approval of the proposal by the NOC Committee, the NOC shall be issued in each case.

(7) CARA reserves the right to reject any case for inter country adoption which is not found suitable by the NOC Committee by recording reasons for the same.

(8) The process for issue of NOC would be completed within a period of fifteen days from the date of receipt of completed dossier in CARA.

(9) NOC shall be issued in accordance with Article 17 of the Hague Convention.

(10) A copy of the NOC issued by CARA shall be mailed to RIPA and a copy thereof to SARA or ACA, AFAA or CA or concerned Government Department of the receiving country, as the case may be.

33. Pre-adoption Foster Care. - (1) A child can be given in physical custody by the RIPA to the PAP(s) in pre-adoption foster care only after issue of NOC by the CARA.

(2) The adoption agency in India shall inform the PAPs that such foster care shall have to continue till the final adoption order is issued.

(3) The child in foster care, shall under no circumstances, be returned to the adoption agency by the PAPs for temporary care unless there is a disruption and the PAPs do not wish to go ahead with the adoption.

(4) The Indian adoption agency before physically entrusting the child to PAPs shall inform them that the adoption process may take more than the stipulated period, so as to enable the PAPs to take an informed decision regarding taking the child in foster care.

(5) The PAPs shall not be allowed to take the child out of the city without the written permission of the concerned Indian adoption agency.

(6) The PAPs shall be required to produce a certificate from either the mission in India of the country of the nationality or the central authority of the receiving country permitting them to take the child in foster care.

(7) The PAP(s) shall also be required to sign a foster care affidavit stating that they would not leave the country without valid court order.

34. Filing of the Petition in the Competent Court.- (1) Within five days of receipt of NOC from CARA, RIPA shall proceed to obtain a Court Order for inter-country adoption of the child from the competent court in India.

(2) RIPA shall not file an application in the competent court for inter-country adoption without “NOC” from CARA.

(3) Inter-country adoption of orphan, abandoned and surrendered children shall proceed under the Act.

Note.-

a. In accordance with the directions of the Honourable Supreme Court of India in L.K.Pandey vs. Union of India (WP No 1171 of 1982), the competent courts are to dispose off the case within a maximum period of two months from the date of filing.

b. As each case for inter-country adoption is required to be processed by Child Welfare Committee and State Government through the ARC and CARA, the competent court may, to the extent possible, dispose of the case in the first hearing itself in the best interest of the child.

c. The RIPA shall forward a copy of the court order and the adoption deed to CARA, SARA or ACA and AFAA or CA, as the case may be.

(4) On receipt of the Court Order, the CARA shall issue a Conformity Certificate (CC) under Article 23 as per provisions of the Hague Convention as per **Schedule-XIII**.

35. Passport and Visa.- (1) No orphan, abandoned, surrendered child who has been adopted shall be allowed to leave India without a valid NOC from CARA.

(2) The RIPA shall apply for passport for the adopted child after the court order is received and the application shall include documents mentioned in Paragraph 83(3) of these Guidelines.

(3) The date of birth of the child as mentioned in the court order would be taken as the date of birth.

(4) The concerned authorities may expeditiously issue the passport and visa to enable the adopted child to leave India with his or her adoptive parents to their habitual place of residence.

36. Child to travel with adoptive parents. - The adoptive parent or parents shall have to come to India and accompany the child to their country.

37. Progress Reports. – The AFAA or CA or concerned Government Department of the country, as the case may be, receiving the child shall keep CARA and concerned RIPA informed about the progress of placement as per format provided in **Schedule-XIV** through quarterly post-placement reports during the first year and half yearly reports during the second year of the child's arrival in the receiving country and such follow-up shall continue upto a period of two years after the child acquires citizenship of the receiving country.

38. Timelines.- All agencies and authorities involved in the adoption process shall adhere to the time limits stipulated for in-country adoption as per **Schedule -VIII.**

39. Special Category of PAPs for Inter-country Adoption.- Inter-country adoption by Indian nationals in countries where there is no AFAA or CA shall be followed as under:-

(i) In the case of Indian nationals residing in a country where there is no AFAA or CA to sponsor applications, CARA may allow an organisation or individual recommended by the concerned Indian Mission to do the Home Study Report (HSR) and prepare adoption dossier which would then be forwarded to CARA through the Indian Embassy or High Commission.

(ii) An official of the concerned Indian Mission may also prepare the HSR and adoption dossier of the PAP(s).

(iii) The organisation or individual recommended by the concerned Indian Mission shall also be required to give an undertaking to CARA to send progress reports for a period of two years following legal adoption and also take action, as stipulated in these Guidelines, in case of disruption of adoption or repatriation of adopted child.

40. Adoption by foreign nationals living in India. - (1) In case of foreign nationals who are citizens of a country that has ratified the Hague Convention and they have been living in India for one year or more, the PAP(s) shall approach CARA along with a certificate of No-objection to the proposed adoption from the embassy or mission of the country of their nationality.

(2) On receipt of the No Objection Certificate, CARA shall refer the case to a RIPA for carrying out the Home Study and preparation of PAP(s)' dossier.

(3) The procedures stipulated under these Guidelines for inter-country adoption shall be followed by the RIPA.

(4) In cases referred to in sub-paragraph (1), the Embassy or Missions in India of the country of the nationality of the PAPs shall give an undertaking for post-adoption follow-up as stipulated in Chapter IV of these Guidelines.

(5) In case, the PAPs continue to reside in India during the stipulated post-adoption follow-up period, the concerned RIPA would undertake such follow-ups and report to the concerned embassy or mission and CARA.

(6) The concerned embassy or mission shall also ensure that the adopted child acquires citizenship of the country of his or her parents immediately after adoption decree and a copy of the citizenship order shall be forwarded to CARA and the concerned RIPA.

41. Adoption by OCI living in India. -(1) The OCI (s), who are citizens of a country that has ratified the Hague Convention and they have returned to India and have been residing in India for more than one year, shall be eligible to adopt a child following procedure of Inter-country adoption under these Guidelines.

(2) The PAP(s) shall approach CARA along with a certificate of No-objection to the proposed adoption from the embassy or mission of the country of their nationality.

(3) On receipt of the certificate of No Objection, CARA shall refer the case to a RIPA for carrying out the Home Study and preparation of PAP(s)' dossier.

(4) The procedures stipulated under these Guidelines for inter-country adoption shall be followed by the RIPA.

(5) In such cases, the Embassy or Missions in India of the country of the nationality of the OCI shall give an undertaking for post-adoption follow-up as stipulated in Chapter IV of these Guidelines.

(6) In case, the OCI continues to reside in India during the stipulated post-adoption follow-up period, the concerned RIPA would undertake such follow-ups and report to the embassy or mission and CARA.

42. Adoption by repatriated Indian Nationals.- Adoptions by repatriated Indian nationals holding Indian passport who have returned to India and have been residing in India for more than one year, will be processed as an in-country adoption.

43. Adoption of Special Needs Children. - All authorities and agencies involved in adoption of special needs children shall expeditiously process their cases so that such children can join their families at the earliest.

44. Category of Special Needs children. - (1) For the purpose of adoption, 'special needs' children may be categorized as under:-

(a) Children having visible and or serious medical conditions-mental or physical ;

(b) Older children;

(c) Siblings and

(d) Extremely low birth-weight children(to be certified by a Government Medical Officer)

(2) The following ailments or disabilities may also be considered as visible or serious medical conditions in children.

(i) Spina Bifida ;

(ii) Ichthyosis (Collodian baby);

(iii) Limbs Missing;

(iv) Fingers-toes missing;

(v) Severe diabetes;

(vi) Cleft Lip-Cleft Palate or Cleft Lip;

(vii) Blind or Partially Blind;

(viii) Severe Seizure disorders;

(ix) Chronic Asthma;

(x) Heart conditions of a severe nature;

(xi) Hepatitis B+;

(xii) Blood disorders;

(xiii) Acute Ricketts;

(xiv) Severe Orthopedic conditions;

(xv) Deaf or Partially Deaf;

(xvi) Polio;

(xvii) Severe disfiguring birth marks;

(xviii) Indeterminate sex;

(xix) Hare lip ;

(xx) Colostomy;

(xxi) Dwarfism ;

(xxii) Hemophilia;

(xxiii) Paralysis;

(xxiv) Brain Lesion;

(xxv) Burns;

(xxvi) Thalasemia Major;

(xxvii) Fetal Alcohol Syndrome;

(xxviii) Ectodermal displacia (no sweat glands);

(xxix) Microcephaly;

(xxx) Epilepsy (does not include fever induced convulsions);

(xxxi) Pier Robin Syndrome (no tongue);

(xxxii) Neurological disorders;

(xxxiii) Speech dysfunction-dysphasia;

(xxxiv) Chronic Eczema;

(xxxv) Child requiring psychiatric treatment;

(xxxvi) Any other child with disabilities as defined in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995(1 of 1996)

Note.- The list given in sub-para (2) is illustrative only and it is not exhaustive.

(3) A child suffering from a disease or deformity which does not have serious longterm residual effects and which can be corrected, shall not be categorised as a “special needs child”.

(4) Children above five years of age shall be treated as special needs children as placement of such children in adoption is difficult.

(5) Siblings of different ages, shall as far as possible, be placed in adoption in the same family and such children shall also be categorized as special needs children.

(6) If a child has severely delayed milestones, as certified by a Government medical officer, the child will be categorized as a “special needs child” .

(7) A child who is marginally delayed in gaining normal weight will not be treated as a special needs child.

45. Preparing Special Needs Children for Adoption. - (1) It is the role of the Specialised Adoption Agency to prepare the special needs child for adoption.

(2) In case of special needs children, their ability to handle the change in care giver, environment, quality of life and the like factors may not be equal to that of other children.

Note.- Special needs children are older children in many cases and they may be fixed in their ideas and attitudes making them inflexible and they may face serious adjustments problems.

(3) It is essential that the Specialised Adoption Agency make special efforts to prepare the child for adoption.

(5) Older children should be shown photographs of the adoptive family and carefully counselled to prepare them mentally and emotionally.

(6) The child should be sent to educational institute in the interim period and regular habits of toilet and hygiene should be inculcated in the child.

(7) In order to start the bonding process, the Specialised Adoption Agency should encourage the PAP(s) to share their family albums, photographs and small gifts and letters with the child.

(8) If the child is going to a foreign country, the child should be taught the language of the adoptive parents, as far as possible.

46. PAP(s) for Special Needs children. - (1) PAP(s) who are willing to adopt a child with special needs will get priority in adoption and the Specialised Adoption Agency shall maintain a list of all such PAP(s) facilitating the placement of special needs children in adoption.

(2) While maintaining the list of PAPs, the following should be kept in mind, namely:-

(i) older and experienced parents tend to be more committed to parent a child with special needs and thus are more likely to have the skills, patience, financial means and parenting experience;

(ii) parents who have had experience, either though the field they work in, or because they have had some exposure to the specific medical condition, may be better equipped to parent children with special need;

(iii) the HSR shall reflect –

(a) the motivation and ability of the PAP(s) to adopt such a child;

(b) whether the PAP(s) have the financial means to handle the special needs of the child;

(iv) special needs children should be shown for acceptance to only those PAPs, who have expressly given preference or willingness to adopt such children.

(3) The Specialised Adoption Agency shall organise orientation sessions for the PAP(s) to enable them to understand issues relating to special needs children and help them take an informed decision.

(4) The PAP(s) and the foreign adoption agencies in case of inter-country adoption) should be given detailed child study reports, medical data and counselling reports by the Recognised Indian Placement Agency without concealing any facts.

(5) The Recognised Indian Placement Agency (RIPA) also called Special Adoption Agency should give information on the child's developmental milestone, additional medical tests if required and answers to queries that the prospective parents may raise concerning these children.

(6) The child study report should portray the child in a positive manner and at the same time be realistic in the medical condition.

47. Procedure for Adoption of Special Needs children. - (1) In case of inter-country adoption, PAPs desiring to adopt special needs children are required to follow procedure as per norms laid down in paragraphs 27 to 38 and their adoption cases shall be processed only by the Recognised Indian Placement Agency.

(2) All concerned authorities shall ensure that time lines set for processing cases of special needs children are strictly adhered to.

CHAPTER IV
POST ADOPTION PROCESS

48. Post Adoption Follow-up, - (1) In case of In-country Adoption, half yearly progress reports in the first year and in the second year shall be prepared by the Specialised Adoption Agency and submitted to SARA or ACA .

(2) The format for the progress report shall as given in **Schedule-XIV.**

(3) The Special Adoption Agency may provide post-adoption counselling services for adoptees and adoptive parents.

(4) In case of Inter-country Adoption, the AFAA or CA or concerned Government Department of the receiving country, as the case may be, shall keep CARA and concerned RIPA informed about the progress of placement through quarterly post-placement reports during the first year and half yearly reports during the second year of the child's arrival in the receiving country.

(5) The follow-up measures shall continue upto a period of two years after the child acquires citizenship of the receiving country.

(6) In cases of guardianship, the concerned RIPA shall file a copies of the progress reports including the adoption decree received from AFPA before the competent court that has issued the Guardianship Order.

(7) The AFFA shall also provide post adoption data to CARA through CARA's webbased management system.

(8) The AFAA or CA shall organise annual get-together of adopted children and adoptive parents and forward a report on the event to CARA.

(9) The AFAA or CA may conduct post-adoption counselling for adoptees and adoptive parents.

49. Disruption and repatriation in case of In-country Adoption. - (1) In case of disruption during pre-adoption foster care, the child will be taken back by the adoption agency and a suitable rehabilitation plan for the child shall be worked out in consultation with SARA.

(2) In case of disruption after final court order, it shall be the responsibility of the concerned adoption agency to take suitable steps, including seeking order from the competent court, for rehabilitation of the child in consultation with SARA.

50. Disruption and repatriation in case of Inter-country Adoption. - (1) Rehabilitation efforts in cases which have been processed under the Guardianship and Wards Act 1890, where adoptions are yet to be finalized shall follow as laid down in this paragraph.

(2) As long as the child remains as a citizen of India and where the child is not legally adopted by the adoptive parents in the receiving State within two years from the date of order of the Court in India appointing the adoptive parents as guardians for any reason whatsoever, or at any time prior to the child being adopted and being conferred with the citizenship of the country of the adoptive parents or the AFAA finds that the child is unable to adjust to and settle down with guardians or that the proposed adoption is likely to fail or harm the health, well being or interests of the child, the AFAA which had processed the adoption of the child in the receiving State should immediately withdraw the child from the guardians and take the child in its custody or care or in the custody or care of the child protection department or authority of the receiving State.

(3) In case the AFAA withdraws a child from the guardian or adoptive parents, it shall promptly notify the Indian diplomatic mission, CARA and the concerned RIPA along with details regarding the status of the child and the legal liability of the guardians or adoptive parents.

(4) In such an event as mentioned in sub-paragraph (3), the AFFA,-

(i) shall place the child in alternate family care;

(ii) shall not give its consent or No Objection to surrender or relinquish by the guardians, of guardianship of the adopted child and shall cause the guardians to make an application to the court in India that awarded guardianship;

(iii) shall make an application within four months of the date of withdrawal of the child from the guardians for further directions from the court in India that had granted the guardianship after failing an application by the guardians.

(5) During the entire process as mentioned in sub-paragraph (4), the AFFA shall keep the concerned RIPA and CARA regularly informed on the development of the case.

(6) The CARA and RIPA shall constantly monitor every case under this paragraph till fresh orders are passed by the competent Indian court.

(7) Having regard in particular to the age and degree of maturity of the child, he or she shall be consulted and, where appropriate, his or her consent may also be obtained in relation to measures to be taken under this chapter.

(8) As far as possible, siblings should not be separated unless it is in their best interest.

51. Repatriation in cases processed under the Guardianship and Wards Act 1890 where adoptions are yet to be finalized. - (1) On receiving information and report from AFAA on the disruption of guardianship of a child, CARA may, depending on circumstances, order the repatriation of the child to India.

(2) If CARA takes a decision that a child whose guardianship has failed is to be repatriated to India, the Indian Placement Agency shall file a petition before the competent Indian court for revocation of guardianship and for ordering repatriation and upon the competent court in India passing an order for the repatriation of the child, the AFAA shall bear the cost and responsibility for the repatriation to India of the child with or without his or her siblings.

(3) The legal formalities of the sending and receiving country shall be completed by the AFAA before repatriation of the child.

(4) The concerned AFAA shall contribute 5000 US$ (one time) before repatriating the child to India, which will be deposited in a public sector bank and the State Government or SARA shall be made custodian of the documents related to the deposit.

(5) The amount shall be made available to the child once he or she becomes a major.

(6) On receiving information of repatriation, CARA shall act expeditiously and contact the Indian agency, the concerned State Government (or State Adoption Resource Agency as and when it is constituted) and any other institution or authority for the purpose of the child's care and rehabilitation.

(7) The concerned State Government and the Indian Placement Agency which had processed the case shall suggest rehabilitation plan to CARA which shall finalize an individual child care plan, including, the following:-

(i) Assistance in terms of guidance, counselling, medical and care facilities, education, shelter, rehabilitation and if necessary, vocational services;

(ii) Place of stay;

(iii) Safety and security needs of the child;

(iv) Supervision and periodic report;

(v) Possibility of rehabilitation in non-institutional care and after care if required.

(8) The CARA with the help of the RIPA and the State Government shall work out the modalities of rehabilitating the child.

(9) As far as rehabilitation of the child is concerned, the child shall be treated as a child in need of care and protection and facilities as provided under the Integrated Child Protection Scheme(ICPS) shall be made available to the child and the particular RIPA will be assigned the task to supervise the case and periodically report to the State Government or SARA or CARA.

Note: In the event of disruption of a finalized adoption, as the child would have become a citizen of the receiving country, the child shall accordingly receive care and rehabilitation through the child protection services of that country.

52. Root Search. - (1) The right of the child to obtain information about his or her origins derives from the right to know his or her biological parents as provided for in Article 7(1) of the UN Convention on the Rights of the Child.

(2) The adoption agencies shall, therefore, facilitate root search by the adopted child, if the child desires to know his or her history but in doing so, the age and maturity of the child shall be taken into consideration.

(3) The child's rights must also be balanced against the right of birth parents not to have their identity disclosed to the child.

(4) The right of adopted child should not infringe on the biological parents' right to privacy.

(5) If the biological parent(s) have at the time of surrender of the child expressed their willingness, in writing, to be contacted by the child when he or she grows up, then all relevant information including identity and address of the parents shall be disclosed to the child but if the biological parent(s) have specifically requested anonymity, then only reasons and circumstances under which the surrender was effected can be disclosed.

(6) There may be situations where the biological parent(s) leave some articles etc. with the child during surrender process and such articles must be, to the extent possible, preserved by the adoption agency, to be handed over to the child when he or she comes for root search.

(7) A root search by a third party shall not be permitted and the concerned agencies or authorities shall not make public any information relating to biological parent(s), adoptive parents or adopted child.

CHAPTER V

RECOGNITION AND AUTHORIZATION

53. Specialised Adoption Agency (SAA). –

(1) All the Child Care Institutions (CCIs) shall be registered by the State Government as required under sub-section (3) of section 34 of the Act.

(2) The State Government shall recognise suitable Child Care Institutions as Specialised Adoption Agencies under sub section (4) of section 41.

(3) The Specialised Adoption Agency shall work under the overall supervision of concerned State Government Department or State Adoption Resource Agency (SARA), as the case may be.

54. Criteria for Recognition as Specialised Adoption Agency. –

(1) The State Governments shall recognize at least one suitable Child Care Institution either run by NGO or the Government itself, as Specialised Adoption Agency in each district for placing children in adoption, and shall periodically renew recognition of such adoption agencies subject to conditions as laid down in these Guidelines.

(2) Every Child Care Institution recognized by the State Government as Specialised Adoption Agency shall -

(i) be registered under sub-section (3) of section 34 of the Act;

(ii) be primarily engaged in non-profit activities;

(iii) be registered under the Societies Registration Act, 1860 (21 of 1860), Indian Trust Act 1882 (2 of 1882) or any other corresponding law for the time being in force.

(iv) have a duly constituted Executive Committee and the Chief Executive of the organization as well as the majority of members of the Executive Committee shall be citizens of India;

(v) be engaged in child protection and welfare activities for a minimum period of three years;

(vi) have high standards of child care facilities including adequate number of professional staff as provided in **Schedule- XV.**

(vii) have sound financial background;

(viii) have a computer, internet connection, adequate administrative support, office equipments and infrastructure to carry out their duties in an efficient and effective manner; and

(ix) not have committed any malpractice.

(3) Any Child Care Institution housing orphan, abandoned and surrendered children can apply for recognition by the State Government as Specialised Adoption Agency.

(4) Application for the purpose of state recognition may be submitted by the Child Care Institutions to the State Government along with the following documents, namely:-

(i) a copy of the registration certificate under the Societies Registration Act 1860, the Indian Trust Act, 1882 or any other corresponding law for the time being in force;

(ii) a copy of its Memorandum of Association or Bye-laws;

(iii) a list of Management Committee or Executive Committee or Board Members ;

(iv) a copy of its Rules and Regulations;

(v) a copy of the registration certificate as Child Care Institution;

(vi) annual reports including audited accounts for the last three years;

(vii) list of professional and child care staff;

(viii) list of children in the institution;

(ix) resolution by the agency supporting the decision for placing orphan or abandoned or surrendered children in adoption;

(x) undertaking to abide by the relevant rules and Adoption Guidelines in force;

(xi) undertaking to regularly update data on the online portal of CARA;

(xii) undertaking that there is no instance of malpractice against the agency.

(5) The State Government may, after conducting necessary enquiries and inspection, approve such institution as Specialised Adoption Agency.

(6) If such institution is not involved in institutional care but has the capacity and expertise to ensure quality non-institutional care for infants and young children through trained foster care givers on their panel (selected as per criteria laid down in the Rules notified under the Act), the State Government may also approve such institution as Specialised Adoption Agency as referred in subparagraph(5).

(7) The Specialised Adoption Agency shall either at the time of recognition, or if already recognised, then upon these revised Guidelines coming into force, furnish a written undertaking to SARA or the concerned State Government to comply with the requirements and obligations set out in these Guidelines.

55. Process and Criteria for Renewal of Recognition of Specialised Adoption Agency.- (1) No recognition shall be granted on a permanent basis and a renewal of recognition of Specialised Adoption Agency shall depend upon its satisfactory performance.

(2) The Specialised Adoption Agency shall apply six months before the expiry of its recognition with the following documents, namely:-

(i) adoption figures for the last five years;

(ii) number and details of children placed in in-country adoption and details of post-adoption follow-up thereof;

(iii) annual reports and audited statements of accounts;

(iv) details and number of children restored to biological parents, relatives or guardians;

(v) details and number of children in pre-adoption foster care and temporary foster care separately;

(vi) undertaking stating that they agree to abide by these Guidelines as also any instructions issued by State Government or CARA or SARA from time to time and that there is no instance of malpractice against the agency;

(vii) undertaking that they are regularly updating data on the online portal of CARA; and

(viii) details of year wise receipt of CCC and utilisation certificate of CCC.

56. Duration of Recognition or Renewal of Recognition.-(1)The State Government may recognize a Specialised Adoption Agency for a period of five years.

(2) The State Government shall inspect the Child Care Institution (CCI) before considering its recognition as Specialised Adoption Agency before renewal of its recognition.

(3) Recognition of an adoption agency or its renewal shall not be claimed as a matter of right and would depend on the agency showing satisfactory performance and compliance of the provisions of these Guidelines as also instructions issued by the Government authorities from time to time.

(4) Inspection of the Specialised Adoption Agency by SARA or CARA or State Government is mandatory before it is recognised or before renewal of its recognition but, if the annual inspection of the Specialised Adoption Agency has been conducted ninety days prior to the date for renewal of recognition, the inspection need not be conducted again at the time of renewal of recognition.

57. Inspection of Agencies.- (1) The premises of the Specialised Adoption Agency including the place or places where the children are staying and the records thereof shall be open to inspection by the Government of India in the Ministry of Women and Child Development, CARA, State Government, SARA, Child Welfare Committee and any other agency or person authorized by them.

(2) The State Government and SARA shall conduct annual inspections of the Specialised Adoption Agency to ensure that it is performing efficiently and as per norms laid down in these Guidelines.

(3) During such inspections referred to in sub-paragraph (2), the inspecting authority shall also verify and examine the following matter or documents, namely:-

(i) that the agency is discharging its role and functions efficiently as stipulated under these Guidelines.

(ii) that adoption or non-institutional care, as the case may be, as an activity is being pursued by the organization as a welfare measure in the interest of children and not as a commercial activity;

(iii) records pertaining to adoption (starting from the admission of the child to the legal adoption decree) and related registers;

(iv) financial records including contributions to, and utilisation of CCC;

(v) whether expeditious and sufficient efforts have been made by the Specialised Adoption Agency to place children in in-country adoption;

(vi) total number and details of children actually placed in in-country adoption, if any;

(vii) whether the agency has submitted annual reports, audited statements of accounts and monthly reports to State Govt or SARA and monthly adoption data to SARA or State Govt and CARA regularly and within stipulated time;

(viii) whether the Specialised Adoption Agency is regularly updating data online as prescribed from time to time by CARA;

(ix) whether the Specialised Adoption Agency is maintaining and providing quality child care facilities in the institution as stipulated under these Guidelines and the minimum standards of child care shall be as specified in **Schedule XV;**

(x) whether there is any instance of malpractice against the Specialised Adoption Agency.

58. Agencies to maintain Accounts.- (1) The Specialised Adoption Agency shall maintain proper accounts including utilisation of CCC, to be audited by a Chartered Accountant every year.

(2) An attested copy of audited accounts of the organisation together with its audit report and a copy of the Annual Report shall be furnished by every agency within six months from the date of closing of the financial year, to SARA or the State Government, as the case may be.

(3) Specialised Adoption Agency shall utilize funds available in the CCC in accordance with norms specified in **Schedule-XVI.**

59. De-recognition or suspension of recognition of Specialised Adoption Agency. - (1) The State Government may, suo moto or on the recommendation of CARA or SARA either suspend or revoke the recognition granted to Specialised Adoption Agency.

(2) The recognition of a Specialised Adoption Agency may be suspended on any one or more of the following grounds, namely:-

(i) any violation of the provisions of these Guidelines;

(ii) non-compliance of instructions issued from time to time by CARA, SARA or the State Government;

(iii) furnishing false information or forged documents to SARA or ACA, State Government or CARA;

(iv) failure to update on-line data as stipulated by CARA or furnishing or posting of false information on the online adoption portal of CARA;

(v) failure to submit timely reports or data as stipulated under these Guidelines;

(vi) adverse findings of the inspection team vis-à-vis quality child care and adequate infrastructure;

(vii) if professional social worker and qualified child care staff is not employed;

(viii) financial irregularities or malpractices;

(ix) receiving any donation whether in kind or cash from prospective adoptive parents or adoptive parents;

(x) unethical practices which would also include inducing single mothers or biological parents to relinquish their child or illegally sourcing the child;

(xi) incomplete or false information to PAPs about the child or any adoption related process;

(xii) divulging information on biological mother or parents or adopted child to public in violation of principle of confidentiality; and

(xiii) misuse of Child Care Corpus in contravention of Guidelines issued for utilization of the fund.

(3) After suspension of recognition of a Specialised Adoption Agency, the State Government and the SARA shall conduct necessary enquiries within a maximum period of six months, and if charges are proven, the State Government shall revoke the recognition of the Specialised Adoption Agency.

Provided that no order of suspension or revocation of the recognition shall be passed without giving the Specialised Adoption Agency a reasonable opportunity to offer its explanation.

(4) In case of revocation of recognition of a Specialised Adoption Agency, the State Government shall, within thirty days, prepare an alternate rehabilitation plan for the children in that home, including shifting them to another Specialised Adoption Agency.

(5) In the event of suspension or revocation of recognition of the Specialised Adoption Agency, the cases where referrals have been accepted by the PAPs, shall be allowed to proceed for final adoption provided that all other stipulations of these Guidelines have been met.

(6) Once revocation of recognition of a Specialised Adoption Agency is done on account of serious allegations or malpractices, the agency shall not be allowed to function again even if there is a change of its management.

60. Entitlement to Grants under Integrated Child Protection Scheme (ICPS). -(1) Each Specialised Adoption Agency, after being recognised under sub-section (4) of section 41 will be eligible to apply for grants-in-aid as provided for under the Integrated Child Protection Scheme.

(2) If the Specialised Adoption Agency fails to submit, either online or manually, any of the stipulated reports and data, periodically as stated in these Guidelines to the State Government, SARA, CARA, as the case may be, on time, the release of grant shall be withheld till further orders.

(3) The grant-in-aid shall continue to the Specialised Adoption Agency for the six month period during which the matter is under investigation by the State Government.

(4) The Grants shall be stopped as soon as recognition is revoked which shall not exceed six months from the date of suspension of recognition.

61. Recognized Indian Placement Agency (RIPA). - (1) **RIPA** shall be an agency duly recognized by CARA to place children in inter-country adoption.

(2) Any Specialised Adoption Agency desirous of undertaking inter-country adoption of Indian children shall apply for recognition to CARA through the concerned State Government.

62. Criteria for Recognition as RIPA. - (1) For being recognized by CARA as RIPA, a Specialised Adoption Agency shall fulfill the following conditions, namely: -

(i) it shall have a valid recognition as a Specialised Adoption Agency under sub-section (4) of section 41 by the Government;

(ii) it shall be recommended by the concerned Government;

(iii) its performance as a Specialised Adoption Agency should be satisfactory and there should be no instance of malpractice by the agency or any of its Executive Members and

(iv) there should not be any adverse findings by the inspection team which has conducted the last inspection of the Specialised Adoption Agency immediately proceeding its recommendation as RIPA.

(2) While applying to CARA for recognition as a RIPA, the agency shall submit the following documents, namely: -

(i) adoption figures for the last five years;

(ii) annual reports and audited statements of accounts for last three years;

(iii) undertaking that they agree to abide by the provisions of these Guidelines as also any instructions issued by CARA, State Government and SARA, from time to time;

(iv) undertaking that there is no instance of malpractice against the agency; and

(v) undertaking that they are regularly updating data on the online portal of CARA

(3) The RIPAs shall either at the time of recognition, or if already recognised, then upon the commencement of these Guidelines, furnish a written undertaking to CARA to comply with the requirements and obligations set out in these Guidelines.

(4) The Specialised Adoption Agency shall be inspected by CARA either independently or jointly with the SARA and the State Government to ascertain the capacity of the agency to undertake inter-country adoption work before granting recognition as RIPA.

63. Duration of Recognition. - (1) Once a Specialised Adoption Agency is recognized by CARA as RIPA on the recommendation of the State Government it will continue to function as a RIPA unless the recognition is suspended or revoked by CARA on grounds mentioned in paragraph 66.

(2) The recognition of an adoption agency or its renewal shall not be claimed as a matter of right and would be dependent on the agency showing satisfactory performance and compliance of the provisions of these Guidelines as also instructions issued by the Government authorities from time to time.

64. Inspection of RIPA. - (1) RIPA shall be subject to annual inspection by the State Government and SARA.

(2) CARA may also inspect the RIPA, at any given time, either independently or jointly with the State Government and SARA.

(3) Before recognition as RIPA, the Specialised Adoption Agency shall be inspected by CARA either independently or jointly with SARA and the State Government.

(4) The inspection of RIPAs shall be conducted in the same manner as inspection of Specialised Adoption Agencies.

(5) The inspection team will additionally examine the following issues, namely:-

(i) the ratio of 80:20 for in-country adoption vis-à-vis inter-country adoption has been adhered to on an annual basis;

(ii) the priority of PAPs as stipulated for inter-country adoption under these Guidelines has been maintained;

(iii) that the RIPA has abided by the provisions of these Guidelines; and

(iv) that the RIPA is maintaining proper accounts of foreign remittances as per FCRA stipulations.

65. Accounts to be maintained by RIPAs. - (1) The RIPA shall maintain proper accounts, including utilisation of CCC, to be audited by a Chartered Accountant every year.

(2) An attested copy of audited accounts of the organisation together with its audit report, a copy of the Annual Report and FCRA statement shall be furnished by every agency to CARA and SARA or concerned Department of the State Government within six months from the date of closing of the financial year.

(3) The accounts and annual report of RIPA shall also be put up on the website of the RIPA.

(4) The Specialised Adoption Agency shall utilize funds available in the CCC in accordance with laid down norms given in **Schedule–XVI.**

66. De-recognition. - (1) The CARA, suo moto or on recommendation of the State Government or SARA can either suspend or revoke the recognition of a RIPA on the same grounds as stated in paragraphe 59 dealing with de-recognition of Specialised Adoption Agencies.

(2) Additionally, the recognition of RIPA can also be suspended for:

(i) failure to abide by the stipulated ratio of 80:20 for in-country vis-à-vis inter-country adoption; or

(ii) failure to abide by the priority of PAPs as stipulated for inter-country adoption in paragraph 8 of these Guidelines; or

(iii) receiving any donation or grant whether in kind or cash from any of the CARA authorized foreign adoption agency and foreign prospective adoptive parents.

(3) After suspension of recognition, CARA with the help of the State Government or SARA shall conduct necessary enquiries, within a maximum period of six months, and if charges are proven, will revoke the recognition of the RIPA:

Provided that no order of suspension or revocation of the recognition shall be passed without giving the RIPA a reasonable opportunity to offer its explanation.

(4) In case of revocation of recognition of a RIPA, the State Government shall, within thirty days, prepare an alternate rehabilitation plan for the children in that home, including shifting them to another agency, in consultation with CARA.

(5) In the event of suspension or revocation of recognition of the RIPA, the cases where referrals have been accepted by the PAPs, shall be allowed to proceed for final adoption provided that all other stipulations of these Guidelines have been met but, CARA shall reserve the right not to allow such cases to proceed in case of special circumstances.

67. Accreditation. - (1) CARA shall develop a set of standards or model accreditation criteria for Placement Agencies (RIPAs) as envisaged under the JJ Model Rules and Hague Convention on Inter-country Adoption.

(2) Till such time, as an interim measure, the RIPAs will be treated as accredited agencies for placing Indian children in inter-country adoption.

68. Entitlement to grants-in-aid under ICPS. - (1) Each RIPA, once it is recognised as a Specialised Adoption Agency under sub-section (4) of section 41, will be eligible to apply for grants-in-aid as provided for under the Integrated Child Protection Scheme.

(2) If the RIPA fails to submit, either online or manually, any of the stipulated reports and data periodically as provided in these Guidelines to the State Government or SARA or CARA in time, the release of grant shall be withheld.

(3) The grant-in-aid will continue to the RIPA for the six month period during which the matter is under investigation by the State Government.

(4) The Grants shall be stopped as soon as recognition is revoked which shall not exceed six months from the date of suspension of recognition.

69. Adoption Coordinating Agency (ACA). - (1) The ACAs existing as on the date of commencement of these Guidelines shall continue to function till further orders.

(2) Upon the commencement of these Guidelines, the ACAs referred to subparagraph (1) shall furnish a written undertaking to CARA to comply with the requirements and obligations set out in these Guidelines.

70. De-recognition. - (1) The CARA, suo moto or on recommendation of the State Government or SARA can revoke the recognition of ACA on one or more of the following grounds, namely:

(i) non-compliance of the provisions of these Guidelines and non-performance of functions as stipulated;

(ii) any instance of malpractice or any adverse finding by the inspection team or enquiry officers or team constituted by the State Government or CARA ;

(iii) non-submission or delay in submission of reports or data to CARA or State Government as stipulated.

Provided that no order of revocation shall be passed without giving a reasonable opportunity to the agency to offer its explanation.

71. Authorized Foreign Adoption Agency (AFAA). - The CARA shall authorize Foreign Adoption Agencies for sponsoring applications of foreign PAP(s) including NRIs, OCIs and PIOs habitually residing in foreign countries. Such agencies shall be known as Authorized Foreign Adoption Agencies (AFAA).

72. Foreign Agencies to apply to CARA for Authorization as AFAA. - (1)A foreign accredited agency desirous of sponsoring applications of foreign adoptive parents for adopting an Indian child shall make an application to CARA for authorization through its Central Authority or Competent Authority.

(2) The application under sub-paragraph (1) shall be forwarded to CARA through the Office of the Indian Diplomatic Mission in the concerned country.

73. Criteria and Procedure for Authorization of Foreign Agencies. - (1) The criteria for authorization of foreign agencies by CARA for the purpose of inter-country adoption shall be as under:-

(i) it shall be an Agency duly registered under the relevant law of the concerned country and should have recognition, license or certification to mediate inter-country adoptions with India;

(ii) it must have been duly accredited by the Competent Authority under the Hague Convention on Inter-country Adoptions, 1993;

(iii) it shall be a child welfare agency run on a non-commercial and non-profit basis with an established standing in the field and it must be staffed with qualified social workers who have experience in the field of adoption.

(2) The agency shall submit the following documents to the CARA for grant of authorization, namely:-

(i) memorandum or bye-laws, copies of Registration status, latest license issued by the concerned Government department to undertake international adoptions, list of Board or Executive Members, list of countries it is working with, accreditation certificate and its annual reports or financial statements for last two years;

(ii) an undertaking signed by the Head or Chief Executive of the Organisation stating that the agency would abide by all the provisions of these Guidelines;

(iii) an undertaking by the agency that in case of disruption or repatriation of the child or children, it shall abide by the specific provisions laid down in these Guidelines;

(iv) copy of adoption law or adoption guidelines or adoption rules of their country upon grant of Authorisation;

(v) an undertaking by the agency to send an Annual Report to CARA in the month of April every year on the status of children placed in adoption from India;

(vi) a list of staff along with recommendation from its central authority or competent authority; and

(vii) recommendation letter from Indian diplomatic mission abroad.

(3) The AFFA shall either at the time of authorisation, or if already authorised, then upon this revised Guidelines coming into force, furnish a written undertaking to CARA to comply with the requirements and obligations set out in these Guidelines.

74. Duration of Authorisation, - Authorisation to a foreign agency once granted by CARA shall continue for all times unless revoked by CARA, after giving due opportunity to the agency by way of show cause notice but the CARA shall have the right to review the performance of the agency from time to time.

75. Revocation of Authorisation. - (1) The grounds on which the authorization of AFAA can be revoked are as follows, namely:-

(i) If the agency violates or fails to abide by the provisions of these Guidelines;

(ii) If the license or recognition or accreditation of the agency is suspended or revoked by the appropriate authority of that country;

(iii) If the agency fails to post online data regarding post-adoption follow-up as instructed by CARA from to time;

(iv) If the agency fails to submit the annual report as stipulated under the Guidelines or any other information called for by CARA, from time to time;

(v) If the agency has not shown any progress in its adoption programme with India for three years.

Provided that no order of revocation of Authorisation shall be passed without giving an opportunity to the agency to offer its explanation.

CHAPTER VI

ROLE AND FUNCTIONS OF AUTHORITIES

76. Central Authorities. - (1) Central Authority of the countries that have ratified the Hague Convention on Inter-country Adoption, 1993 is obliged to discharge all obligations as per the provisions of the Convention and it shall also perform the following functions, namely: -

(i) sponsor applications of PAP(s) directly to the Indian Central Authority (i.e. CARA) for inter-country adoption but they would be required to follow procedure of inter-country adoption as provided in Guidelines;

(ii) facilitate, follow and expedite proceedings with a view to obtaining the adoption;

(iii) send the CARA either directly, or through its accredited agency (AFAA), follow-up reports with photographs of each child, on quarterly basis for the first year and on six monthly basis for the second year as provided under the

Guidelines and such follow-up shall continue upto a period of two years after the child acquires citizenship of the receiving country;

(iv) send a copy of the citizenship certificate or court order or adoption order as the case may be;

(v) arrange get-togethers for children adopted from India and their adoptive parents so as to provide a forum for sharing experiences, exposing them to the culture of India and such events may be organised by the CA of its own or in collaboration with the Indian Diplomatic Mission;

(vi) ensure that the child be accorded automatically the nationality of one of the adoptive parents or of the receiving country, without the need to rely on any action on the part of the adoptive parents and where this is not possible, the Central Authority should provide the necessary assistance to ensure the child obtains such citizenship;

(2) The policy regarding the nationality of the child should be guided by the overriding importance of avoiding a situation in which an adopted child is stateless.

77. Central Adoption Resource Authority (CARA). - The CARA shall function as a nodal body on adoption matters in the country and it shall discharge the following functions, namely: -

(a) evolve a structure for non-institutional child care services in the country and to standardize, streamline and implement such services;

(b) build an environment that provides an opportunity for every adoptable child in the country to find a suitable family;

(c) frame rules and guidelines for adoption of Indian children and ensure their proper implementation;

(d) regulate and monitor adoptions and maintain a database on adoptions done in the country;

(e) function as a nodal body in the country on matters related to adoption and establish uniform standards and indicators, relating to-

(i) adoption procedure;

(ii) quality child care standards;

(iii) monitoring and supervision;

(iv) standardization of documents;

(v) safeguards and ethical practices.

(f) prepare a centralized database of all children and PAP(s) with the help of its associated agencies for the purpose of establishing central and state level information pool on orphan, abandoned and surrendered children and waiting parents;

(g) carry out research and documentation on adoption in order to continuously improve the adoption system;

(h) arrange capacity building programmes for adoption agencies, and other stakeholders engaged in child welfare activities;

(i) carry out advocacy, awareness and IEC activities for promoting non institutional child care services either by it self or though its associated bodies.

(j) coordinate with all State Government, State Adoption Resource Agencies (SARAs) or Adoption Coordinating Agencies (ACAs) and advise and support them in adoption related matters;

(k) monitor the status of children placed adoption and to maintain information and records of all such children for the purpose of follow up and root-search.

(l) act as the Central Authority on adoption matters under the Hague Convention on Protection of Children and Cooperation in respect of Inter country Adoption, 1993;

(m) enter into bilateral agreement with Foreign Central Authorities, wherever necessary and as prescribed under the Hague Convention;

(n) authorise foreign adoption agencies, as bodies authorized to sponsor applications of PAP(s) for Inter-country Adoption of Indian children;

(o) issue a “No Objection Certificate” for the inter-country adoption; and

(p) recognise adoption agencies as accredited bodies for processing inter-country adoption cases and monitor their working in this area.

78. Indian Diplomatic Missions in Inter-country Adoption. - Indian Diplomatic Missions abroad shall perform the following functions, namely:-

(a) liaise with concerned Central or Public Authorities to ensure safeguards of children of Indian origin adopted by NRI or OCI or PIO or foreign parents against neglect, maltreatment, exploitation or abuse;

(b) interact with the Foreign Authorized Adoption Agencies and Central Authorities in their area of jurisdiction and help to arrange get-togethers of the adopted children and their parents;

(c) recommend proposals for authorization of foreign adoption agencies for the purpose of sponsoring applications for adoption of Indian children;

(d) authorize a qualified social worker to do the Home Study Report (HSR) and furnish other documents including an undertaking to send progress reports etc. and shall forward the dossier to CARA with its recommendation in case of Indian nationals residing in a country where there is no authorized agency or where they cannot be recommended by the host Government as per local laws;

(e) contact the local central authority and other concerned authorities to ensure that the interest of the child is taken care of whenever a report is received on disruption of adoption of an Indian child by a foreign or PIO or NRI or OCI adoptive parent(s) and a report in this regard shall also be sent to CARA at the earliest;

(f) render necessary help and facilitate the repatriation of the child, if required, in consultation with the local authorities, concerned adoption agency and CARA;

(g) communicate any report or observation, which it may consider as important and relevant in the matter of inter-country adoptions to CARA.

79. The State Government or Union Territory. -The State Government shall perform the following functions, namely:-

(a) take all measures to actively regulate and promote in country adoption of children;

(b) register all children’s homes as Child Care Institutions (Child Care Institution) and recognise one or more of these Child Care Institutions as Specialised Adoption Agencies in each district;

(c) renew the registration of such Specialised Adoption Agency every five years subject to satisfactory performance;

(d) ensure that all such Child Care Institutions housing orphan, abandoned and surrendered children are either recognised as Specialised Adoption Agencies or ensure that such children are transferred to Specialised Adoption Agencies for their early rehabilitation;

(e) recommend suitable Specialised Adoption Agencies to CARA for their recognition as RIPAs;

(f) monitor the adoption programme and the activities of all Specialised Adoption Agencies, ACAs and SARAs within its jurisdiction;

(g) enforce standards and measures for orphan, abandoned and surrendered children as envisaged under the State Rules framed under the Act;

(h) identify Specialised Adoption Agencies or Child Care Institutions which have the capacity to provide quality care and treatment on a long term basis to Special Needs Children including children affected or infected by HIVAIDS, mentally or physically challenged and other hard to place category and facilitate transfer of such children to these agencies;

(i) take expeditious steps as required to expedite de-institutionalisation of children through adoption;

(j) take measures that are required for expansion of the adoption programme in the State, i.e. strengthening the knowledge base, research and documentation, developing a child tracking system, training and development activities, advocacy and communication, monitoring and evaluation;

(k) instruct all the Child Welfare Committees working in the State to submit periodical data relating to orphan, abandoned and surrendered children;

(l) take appropriate legal action against persons and institutions, including Nursing homes and Hospitals, involved in illegal adoption work;

(m) publish a list of all adoption agencies in the State at least once in a year;

(n) suspend or revoke the recognition of a Specialized Adoption Agency for reasons stated in these Guidelines;

(o) in the event of revocation of registration or license or recognition of any adoption agency, the State Government shall make suitable alternate arrangements for rehabilitation of children including transferring them to another agency, within a period of thirty days in consultation with CARA and also take steps for transfer of the amounts available in the CCC as provided in **Schedule-XVI ;**

(p) the State shall constitute a Committee for issue of recommendation for the purpose of inter-country adoption of a child and the Committee would be designated as Adoption Recommendation Committee (ARC) and would consist of Director or Commissioner of the State Deptt. dealing with children in need of care and protection or his representative, Programme Manager (Non-institutional care-SARA), and one external expert or psychologist who has no linkage with any adoption agency and till SARA is operational in the State, the chairperson of ACA will be part of the Committee (in place of Programme Manager) along with the other members;

(q) the State Government either directly or through SARA, shall send monthly data on adoption to CARA in the given format available in **Schedule -XVII.**

80. State Adoption Resource Agency (SARA). -(1) For the proper implementation of these Guidelines, every State Government is required to set up the a State Adoption Resource Agency (SARA) to act as a nodal body within the State to coordinate, monitor and develop the work of adoption and non-institutional care in coordination with CARA.

(2) The State Adoption Resource Agency shall perform the following functions, namely:

(a) coordinate, monitor and develop the adoption programme in the State;

(b) facilitate the setting up of Specialised Adoption Agency and maintain a comprehensive list of such agencies;

(c) ensure that all adoptions or permanent placements of children are done in accordance with the provisions of law and Guidelines issued by Government of India, from time to time;

(d) promote and regulate in-country and inter-country adoptions in coordination with CARA;

(e) perform all functions assigned to it under these Guidelines for in-country and inter-country adoptions;

(f) identify Child Care Institutions which are not registered as Specialised Adoption Agencies, and take necessary steps to create a linkage with them in order to bring the adoptable children in such Child Care Institutions into the adoption or alternative family care loop;

(g) facilitate inter-country adoption of children in Specialised Adoption Agencies for whom in-country adoption efforts have failed in accordance with these Guidelines and to ensure their early deinstitutionalisation;

(h) receive and process dossiers from RIPAs for inter-country adoption and act as a secretariat for the ARC Committee;

(i) promote and Implement non-institutional services other then adoption;

(j) maintain a centralized (state-specific) web-based database of adoptable children;

(k) ensure that all PAPs are registered with Specialised Adoption Agency ;

(l) maintain a centralized (state-specific) web-based database of Prospective Adoptive Parents;

(m) supervise the work of Specialised Adoption Agencies and ensure coordination between them within the State;

(n) carry out inspections of Specialised Adoption Agencies at least once a year and carry out verifications as stipulated for the inspection team in these Guidelines;

(o) call for data every month from all Specialised Adoption Agencies in order to monitor the functioning of these agencies and provide comprehensive adoption data to CARA on a monthly basis;

(p) assist the State Government and CARA in conducting investigation into any instance of malpractice by Specialised Adoption Agency and suggest corrective action or suspension or revocation of license or recognition of the agency, if need be;

(q) liaise with the other Child Care Institutions to facilitate more children coming into the adoption system;

(r) ensure sensitization of all agencies and allied systems towards non-institutional care;

(s) take up advocacy and awareness for promoting adoptions and family based non-institutional care in the state;

(t) develop and disseminate IEC materials;

(u) take necessary punitive action when malpractices occur in the adoption programme whether by registered or recognised adoption agencies or by unauthorised individuals or organisations;

(v) maintain and operate a bank account in a nationalised bank for transactions relating to adoptions; and

(w) advise and assist the State Govt for rehabilitation of children in case of revocation of recognition of any agency.

81. Child Welfare Committee (CWC). - The role and functions of the CWC in the adoption process will be governed by the rules made there under and also be guided by the Act and Model Rules or State Rules.

82. Birth Certificate issuing Authority. - (1) The birth certificate issuing authority shall issue the birth certificate in case of the adopted child.

(2) The adoptive parents or their attorney can make an application to the birth certificate issuing authority along with a copy of the adoption order and the adoption deed for issuance of birth certificate;

(3) The competent birth certificate issuing authority is the one, which has jurisdiction over the area where the adoption agency is situated.

(4) The name of adoptive parents shall appear, as “parents” and the term “Adoptive Parents” or “Adopted Child” shall not be used in the birth certificate.

(5) The birth certificate shall mention the place (city or village) where the adoption agency is located, as the place of birth of the child.

83. Regional Passport Office (RPO). - (1) In inter-country adoption cases, the Regional Passport Officer, subject to the law relating to issuance of passports, shall issue the Passport based on the production of the following documents along with the application for Passport, namely: -

(i) No Objection Certificate from CARA;

(ii) court order on adoption and adoption deed; and

(iii) all other documents as stipulated by the passport issuing authority.

(2) The concerned Regional Passport Officer shall issue the Passport expeditiously in the best interest of the child.

(3) In in-country adoption cases, the Regional Passport Officer shall issue the passport where the adoptive parents are Indian nationals and permanent residents of India based on the following documents, namely: -

(i) proof of permanent residence in India of the PAP(s);

(ii) birth certificate of the child;

(iii) court order on adoption and adoption deed; and

(iv) all other documents as stipulated by the passport issuing authority.

84. Foreign Diplomatic Missions in India. - The Foreign Diplomatic Missions in India may issue VISA to the adopted child as expeditiously as possible after submission of the following documents, namely:-

(i) Passport;

(ii) Birth Certificate or Declaration by Child Welfare Committee;

(iii) No Objection Certificate from CARA; and

(iv) Adoption Order from an Indian court and supporting deed.

CHAPTER: VII
ASSOCIATED AGENCIES: ROLE AND FUNCTIONS

85. Specialised Adoption Agency (SAA). - In order to facilitate the placement of orphan, abandoned and surrendered children in adoption, the Act empowers the State Government to recognize one or more of its childcare institutions or voluntary organizations in each district as Specialised Adoption Agency (SAA) for placing children in in-country adoption.

86. Role towards children, - Every Specialised Adoption Agency shall -

(a) be responsible for care, protection and well being of every child in its care and shall cater to their health needs; special care for children with special needs; emotional and psychological needs; educational and training needs; leisure and recreational activities; protection from all kinds of abuse, neglect and exploitation; social mainstreaming; restoration and follow-up ;

(b) restore the child to his or her parent(s) soon after his or her admission in the institution, provided that such restoration is in the best interest of the child;

(c) report all cases of admissions, restorations, transfers, adoptions and death of children, and any children missing from the institution, to Child Welfare Committee , SARA or ACA and any other appropriate authority;

(d) if a child already has a given name, the same shall be retained and in case no name is known, the Specialised Adoption Agency shall give an appropriate name and register the name of the child with competent authority for obtaining a birth certificate;

(e) prepare individual care plans for each child following the principle of the best interest of the child and in preparing individual care plan, the care options in the following order of preferences shall be considered names:- (i) restoration efforts and preserving the biological family; (ii) In-country adoption; (iii) Inter-country Adoption; (iv) Other non-institutional Care and (v) Institutional Care;

(f) create a Baby or Child Book as soon as a child enters an institution, which would include photo album of the child, history and details of the child's life so far (cases of surrendering parents should not be mentioned) and interests of the child and the book will form part of the file to be handed over to the family with whom the child is placed;

(g) make efforts to place each child who has been declared legally free for adoption by Child Welfare Committee in adoption with loving and caring PAP(s) expeditiously;

(h) be responsible for matching, referral and the legal procedure related to the adoption as provided in these Guidelines;

(i) prepare every adoptable child psychologically for his or her assimilation with the adoptive family and the new surroundings;

(j) facilitate visitation between suitable PAP(s) and the children proposed for adoption;

(k) ensure that Siblings and twins are placed in the same family and are not separated;

(l) monitor the well being of the child placed in adoption or in non-institutional care for a period of 2 years from the date of such placement, through post placement progress reports and it shall also discharge all responsibilities assigned to it under these Guidelines in cases of disruption;

(m) keep all post-adoption records in a manner, which should not be accessible to common public;

(n) facilitate root search by the adoptive child, If the child desires to know his or her history, especially information relating to his or her biological mother, father and siblings. However, in doing so the age and maturity of the child would be a consideration. In case of unwed mother or other parents not willing to be contacted, Specialised Adoption Agency shall not pass on the information regarding the biological mother to the child or the adoptive parents; and

(o) submit child status report on the online reporting system available on the website www.adoptionindia.nic.in.

87. Role towards Prospective Adoptive Parents (PAPs).- (1) A Specialised Adoption Agency shall:

(a) not deny registration to any PAP(s) unless stipulated conditions are not fulfilled or required documents not submitted within a reasonable time;

(b) complete the Home Study Reports of all PAP(s) registered with them, expeditiously within a maximum period of four months from the date of their registration with Specialised Adoption Agency;

(c) continuously update the PAP(s) about the status of their applications;

(d) provide information about the medical history of the child to PAP(s) and advise the PAPs to have the child's medical assessment done by their own doctor;

(e) inform the PAPs about the health status of a Special Needs child if such a child is proposed for adoption;

(f) place a child in pre-adoption Foster Care after on completion of assigning and referral and after observing necessary formalities as laid down in these Guidelines;

(g) not discriminate against any PAP(s) on the ground of being single. However, such cases will be thoroughly scrutinized in order to ensure that the single PAP is capable of taking care of the child;

(h) extend post adoption services such as counselling etc., to the PAPs, if required;

(i) be entitled to receive registration fee, HSR fee and contribution from PAPs towards CCC but this would be strictly as per amounts prescribed in these Guidelines in **Schedule-XVI;** and

(j) treat PAP(s) with respect and extend due courtesies and assistance and advice as and when required.

(2) The prescribed format for Home Study Reports is in **Schedule -VI.**

(3) The Home Study Report shall be prepared by trained professionals and shall clearly indicate the suitability of the PAP(s) for taking a child in adoption.

88. Role towards Biological Parent(s). - The Specialised Adoption Agency shall :-

(a) treat the birth parent(s) surrendering a child with respect and dignity throughout the surrender process;

(b) obtain appropriate information from birth parent(s) before surrender of the child;

(c) encourage the biological parent(s) surrendering a child to provide maximum information about the child's background and development as well as their own health;

(d) not enter into any commitment or agreement with biological parents regarding adoption of a child prior to his or her birth;

(e) not make any promise of, or give any, financial support to the biological parents that could influence them to surrender their child;

(f) explain to the parents the implications of surrendering their child including the possibility of adoption of the child by foreigners and of no further contact with him or her;

(g) inform the parent(s) that they would get a reconsideration period of sixty days from the date of surrender during which they can take back the child;

(h) respect the wish of the surrendering parent(s), to the extent possible, if they state a preference for the religious upbringing of the child but the best interest of the child shall be the paramount consideration; and

(i) maintain the confidentiality of unwed mother and the biological parent(s).

89. Counselling Functions. - (1) The Specialised Adoption Agency shall provide counselling services to PAP(s) and children and such support shall be provided as and when required by them.

(2) In case of a male counsellor, presence of female nursing staff or female superintendent may be ensured during the counseling session.

(3) The counselling function shall involve: -

(a) counselling of biological parent(s) in case of surrender;

(b) pre-adoption counseling of PAPs; and

(c) counselling of adopted children and their adoptive parents

(4) Through counselling of biological parents in case of surrender, the Specialised Adoption Agency has to ensure that the consent for surrender and adoption is given by the parent(s) through counselling, without coercion and without monetary or material consideration.

(5) The biological parent(s) should be encouraged not to surrender the child unless keeping the child with the parent(s) is against the best interest of the child.

(6) The Specialised Adoption Agency must counsel and assist the surrendering parent(s) and ensure that they are informed of the possibility of a future contact in the event of a search for roots by their child, and that in such cases, the biological parent(s) would be required to cooperate with the Specialised Adoption Agency to meet the child. However, unwed mothers may not be required to do so, if they so desire.

(7) In case of prospective adoptive parents, counselling must be completed before the Home Study Report is prepared to make them aware of the process of adoption.

(8) During the counseling sessions, the qualified Social Workers should, amongst other issues, focus on:-

(i) emotional readiness of couples aspiring to adopt;

(ii) acceptance of adoption as an alternative way of building a family;

(iii) parenting and disciplining;

(iv) sharing the facts of adoption with the child;

(v) child's needs for search of roots;

(vi) bonding and attachment with a child not biologically related;

(vii) concerns about the child's social background and genetic factors;

(viii) issue of selecting the child; and

(ix) any other issue that might emerge.

(9) PAP(s) may be advised also to contact Adoptive Parents Associations, adoptive families and older adoptees to understand the entire process of adoption.

(10) The Specialised Adoption Agency must be equipped to extend post-adoption support and counselling services for adopted children and their adoptive parents.

(11) The adoptive parents should be counselled, not to change the name of an older child so as to help the child keep his or her identity.

(12) The counselling may include other advice specific to the requirements of the child and the adoptive family.

90. Preparation of Child Study Report (CSR) and Medical Examination Report (MER). - (1) The CSR shall be prepared by professional social workers or experienced personnel of the Specialised Adoption Agency while a pediatrician attached to the Specialised Adoption Agency shall prepare the MER.

(2) A formal Child Study Report shall be prepared as provided in **Schedule-XVIII** in each case once the child is legally free for adoption.

(3) The MER (Medical Examination Report) shall also be prepared in the form given in **Schedule-XIX.**

91. Preparation of Home Study Report (HSR) and Suitability of Parents. – The HSR of the PAP(s) shall be prepared in the form given in **Schedule-VI** by a professional social worker or a competent person as per the provisions laid down in these Guidelines.

92. Cradle Baby Reception Centre. - (1) Cradle points may be set up by Specialised Adoption Agencies with the help of hospitals or nursing homes for safe abandonment and rehabilitation.

(2) The primary objective of the Reception Centre shall be to receive abandoned children and look after them with due care and affection till he or she is given in adoption.

(3) Each Specialised Adoption Agency shall install one cradle at the doorstep to receive such babies.

(4) In addition, the reception centre will receive babies from Cradle Points which may be placed at all the Primary Health Care Centres (PHCs), Hospitals or Nursing Homes, Short-stay homes, Swadhar units or Swadhar reception centres and the office of the DCPS (District Child Protection Unit or Society).

(5) Once the Cradle Baby Reception Centre receives a child from a Cradle Point, it should make the following arrangements for rehabilitation of the child, namely :-

(i) provide for proper medical treatment and food as per the advice of the Medical Officer;

(ii) report the arrival of the child to the Child Welfare Committee;

(iii) provide for all basic needs of the child;

(iv) provide care and protection to the child; and

(v) register the birth of the child with the competent authority.

93. Documentation and Record Keeping. - (1) Specialised Adoption Agency shall keep all relevant information such as declaration by Child Welfare Committee; surrender deed of the biological parent or s, CSR, MER including immunisation record, HSR, birth certificate, court order and progress reports etc. in the file of each child. In addition, report of the counselor or social worker, information from previous institution, if any; periodical health reports; IQ testing report and social history, photographs of the child taken at intervals of six months, etc. shall be documented in the case file.

(2) As far as possible, a child's complete record may be scanned, microfilmed and preserved by both, the Specialised Adoption Agency and SARA, permanently.

(3) The Specialised Adoption Agency shall make available, whenever required by the inspection team, the case file of each child.

(4) The children's records in the case file should not be revealed or shown to unauthorised persons.

(4) The Specialised Adoption Agency shall prepare individual Care Plan for each child based on age specific and gender specific needs.

(5) The Individual Care Plan shall address the following needs of the child, namely:

(i) health and medical needs;

(ii) emotional and psychological needs;

(iii) educational and training needs;

(iv) leisure, creativity and play;

(v) attachments and relationships;

(vi) protection from all kinds of abuse, neglect and maltreatment;

(vii) rehabilitation including reunification with family, adoption and other non-institutional care;

(viii) social mainstreaming; and

(ix) follow-up after rehabilitation or restoration.

(6) The Specialised Adoption Agency shall maintain the following registers, namely:-

(i) master Admission Register;

(ii) medical and development file of the child;

(iii) case file of the child;

(iv) attendance Register of the children and staff;

(v) register of PAP(s) with details (date of registration, date of home study report and the like);

(vi) vouchers, cashbook, ledger, journal and annual accounts;

(vii) grant Utilization Register;

(viii) stock Register; and

(ix) record of Minutes of Meetings.

(7) The Specialised Adoption Agency shall prepare and maintain monthly reports in the prescribed format, Annual reports and Audited Statement of Accounts.

(8) The Specialised Adoption Agency shall also maintain other records stipulated under the law relating to its registration and the Act.

94. Other Functions. -The Specialised Adoption Agency shall work in the best interest of children and carry out the following specific responsibilities, namely:-

(a) motivate people to adopt;

(b) organize training and development activities to spread awareness about the programme;

(c) evolve its own model or curriculum for training its childcare and professional staff on the basis of model rules or Guidelines issued by central government or CARA from time to time;

(d) update online data base on regular basis as prescribed by CARA from time to time;

(e) lodge complaint with SARA, CARA, CHILD WELFARE COMMITTEE and police authorities if nursing homes or hospitals or any other person(s) are found involved in illegal adoptions.

95. Staff in Specialised Adoption Agencies. - The Specialised Adoption Agency shall employ professional staff and child care staff to cater to the needs of all its children as per norms provided in **Schedule-XV.**

96. RIPA (Recognized Indian Placement Agency). - (1) CARA shall give recognition to suitable Specialised Adoption Agencies to function as Indian Placement Agencies for Inter-country Adoption (RIPA) based on State Government's recommendations.

(2) RIPAs shall function as recognized bodies in accordance with the provisions of Article 11 of Hague Convention on Protection of Children and Cooperation in respect of Inter Country Adoption– 1993 and shall -

(a) perform all roles and functions assigned to a Specialised Adoption Agency under these Guidelines in addition to specific roles and functions assigned to it in cases of inter-country adoptions;

(b) be staffed by qualified persons of high ethical values and having training or experience in the field of inter-country adoption;

(c) be subject to supervision, monitoring and inspection by competent authorities of the Central Government as well as the concerned State Government;

(d) complete all formalities for Inter-country adoption as provided in these Guidelines;

(e) place children in in-country and inter-country adoption only in a ratio of 80:20 respectively on an annual basis which would exclude children with special needs as categorised separately in these Guidelines and for this purpose, while deciding on whether a child is special needs or not, the final decision would vest with CARA;

(f) file progress reports including the adoption decree in case of all guardianship matters before the competent Court which has issued Guardianship Order;

(g) discharge all responsibilities assigned to it under these Guidelines for postadoption follow-up in all cases of inter-country adoptions and also in cases of disruption, repatriation of children.

97. Adoption Coordinating Agency (ACA). - (1) Adoption Coordinating Agency (ACA) is a State level organisation for promotion of in-country adoption.

(2) The ACA shall carry out all the functions prescribed under these Guidelines as well as any other function assigned to it by the State Government or CARA from time to time. Accordingly, ACA shall -

(a) coordinate, monitor, supervise and develop adoption programme in the State;

(b) coordinate the adoption activities of the Specialised Adoption Agencies within the State;

(c) carry out advocacy and awareness programmes for expanding the adoption programme in the State;

(d) conduct training and capacity building of all adoption functionaries;

(e) undertake documentation and research on adoption to facilitate policy formulation;

(f) conduct inspection of Specialised Adoption Agency as and when required by CARA or State Government;

(g) compile monthly data from all Specialised Adoption Agencies and forward the same to CARA.

(3) In addition, ACA shall perform all functions assigned to SARA by these Guidelines till such time that SARA becomes functional in the state.

98. Authorized Foreign Adoption Agency (AFAA). -(1) An Authorised Foreign Adoption Agency is a foreign adoption agency authorised by CARA on the basis of its accreditation or recommendation by the Central Authority or concerned Government Department of that country to coordinate all matters related to adoption of Indian children by the citizens of that country.

(2) The AFFA shall perform the following functions, namely:

(a) register the suitable FPAP(s) and prepare their Home Study Report (HSR) in accordance with the provisions laid down under the Hague Convention on Inter-country Adoption as well as the specific provisions laid down by the Central Authority of the respective country;

(b) forward an attested copy of the FPAP(s)' dossier directly to CARA for consideration. In no case shall, the AFAA directly transmit any dossier to a RIPA;

(c) approach the RIPA indicated by CARA for getting a referral;

(d) on acceptance of the referral by the PAPs, shall communicate the same to the concerned RIPA along with 50 percent of stipulated CCC;

(e) appropriately counsel the FPAP(s) to prepare them to receive and take proper care of their adopted child. If possible, foreign PAP(s) must be given orientation on the culture or language or food of the place to which the adopted child belongs.

(f) follow up with RIPA for ensuring early adoption after receipt of NOC for the adoption from CARA;

(g) send the remaining 50 percent of the CCC to the RIPA on completion of the adoption process in India and issue of the court order;

(h) keep CARA and concerned RIPA informed about the progress of placement through quarterly post-placement reports during the first year and half yearly reports during the second year of the child's arrival in the receiving country and such follow-up shall continue upto a period of two years after the child acquires citizenship of the receiving country;

(i) follow up for early legal adoption and or grant of citizenship order, as the case may be, in the receiving country and forward a copy of the legal adoption order of the appropriate Authority to CARA and the RIPA and a copy of the citizenship certificate of the receiving country for the child shall also be sent as soon as it is issued;

(j) draw immediate special attention of its Central Authority or concerned Government Department, Indian embassy or mission, CARA and the concerned RIPA in cases where the final legal order for adoption does not take place within a period of 2 years of arrival in the receiving country;

(k) abide by the provisions contained in Chapter IV of these Guidelines in case of disruption of adoption or repatriation of the child;

(l) arrange get-togethers of children of Indian origin and their adoptive families from time to time with involvement of the concerned Indian Diplomatic Mission.

CHAPTER-VIII
MISCELLEANOUS

99. Linkage between Specialised Adoption Agency and RIPA for Inter-country Adoption. - (1) In case of a special needs child (as defined in these Guidelines), if the Specialised Adoption Agency is unable to place a child in in-country adoption, it shall approach the ACA or SARA (as and when constituted), to facilitate the placement of the child in inter-country adoption through a RIPA.

(2) In a case refer to in sub-paragraph (1), the ACA or SARA shall record its satisfaction, in writing, of the efforts made by the Specialised Adoption Agency for in-country adoption and transfer the CSR and MER of the child to a RIPA within the State.

(3) It is not mandatory to transfer the child from one agency to the other and on receipt of CSR and MER, the RIPA shall process the case in accordance with procedure laid down in these Guidelines for inter-country adoption.

(4) Throughout the process referred to in sub-paragraph (3), the Specialised Adoption Agency shall assist the RIPA till the adoption is finalized.

100. Data on Adoptions. - (1) Data of all adoptions of Indian children, whether in-country or inter-country shall be maintained by the SARA or State Government

(2) Such data along with details shall be transmitted to CARA on a monthly basis.

101. Adoption Leave. - (1) For Government employees, adoption leave to entitled category of parents is governed by instructions issued by Deptt. of Personnel and Training, Government of India from time to time.

(2) For PAPs employed in non-government sector, leave as provided by their organisation shall be available.

102. Scrutiny of Adoption dossier. - As the ARC which is a body constituted by the State Govt, would be scrutinising each dossier for inter-country adoption before issue of recommendation certificate, no further scrutiny of the adoption dossier shall be required by any agency or authority other than CARA.

103. Avoiding Conflict of Interest.- In order to avoid conflict of interest, no member of the Executive Committee of an adoption agency or any of the employees of the agency shall be member of the Child Welfare Committee.

104. Functioning of LAPA. - (1) All obligations, roles and functions assigned to Specialised Adoption Agency under these Guidelines shall be performed by the LAPAs till such time that they are recognised as Specialised Adoption Agencies under the Act by the State Governments.

(2) Any reference to Specialised Adoption Agency in these Guidelines shall also include LAPAs.

105. Functioning of SARA or ACA.- Till such time, that SARA becomes functional in a state, functions assigned to SARA by these Guidelines may be performed by the ACA.

106. Maintaining Confidentiality. - (1) All agencies and authorities involved in the adoption process shall maintain complete confidentiality of adoption records which would include among other documents, the Home Study Report including identity and address of PAPs and adoptive parents, Child Study Report, MER of child and the PAPs, Surrender deed and related documents.

(2) The documents related to the adoption process shall be disclosed only to the judiciary and to the agencies and authorities involved in the adoption process.

107. Adoption Expenses. - The PAPs are required to bear following administration expenses in the process of adoption.-

(a) the registration expenses for PAPs for in-country adoption, is Rs. 1,000. In addition to it, they shall be required to pay Rs.5000 for the Home Study Report and post adoption follow-up services.

(b) the PAPs shall be required to contribute towards the Child Care Corpus(CCC), maintained by the agency from where they are adopting the child. This amount shall also cover all expenses incurred to finalize the adoption. However, the adoption agency may decide to waive off or reduce this amount in exceptional cases. The amount to be contributed by PAPs is as under:-

(i) Amount to be contributed towards CCC in case of In-country adoptions: Rs.40,000/-

(ii) Amount to be contributed towards CCC in case of Inter-country adoptions: US $ 5000/-

(c) The modalities for payment of the amounts is mentioned in **Schedule-XVI** attached to the Guidelines.

(d) The PAPs or adoptive parents shall not contribute more than the amount specified in this paragraph and shall also not make any donation, whether in kind or cash, to the agency from where they propose to adopt or have adopted a child.

108. Relaxation and Interpretation of the Guidelines. - (1) These Guidelines are issued having regard to the provisions of the existing law and for the interpretation, the relevant law should be referred to.

(2) In case of ambiguity or any dispute, the power to interpret these Guidelines vests with CARA.

(3) The power to relax any provision of these Guidelines in respect of a case or class or classes or category of cases vests with CARA.

Provided that no relaxation or dispensation shall be given by CARA without recording appropriate reasons for the same.

SCHEDULE I

[**See paragraph 11(2)**]

MASTER ADMISSION REGISTER

Photograph of the child

Name & Address of the institution:

1	2	3	4	5	6	7	8	9	10
S.No.	Regd. No. & Date	Name of the Child	Sex	Date of Birth	Child Status (Relinquished or Abandoned) Date of Relinquishment or abandonment	Reason for surrender	Date of Admission or Date of acquiring the child	Health Status of the Child, Specify	Whether the child is In Foster Care

11	12	13	14	15	16
Name & Address Of Adoptive or Foster Care Parents	Date of Foster Care Agreement	Whether the Adoption of the child is finalized	Court Order No.& Date	Post Placement Reports.	*Remarks

*The date of Restoration & details of death of a child should also be stated in the remarks.

SCHEDULE II

[**See paragraph 15(4)**]

DEED OF SURRENDER or STATEMENT OF CONSENT

(If a child, having both biological parents, is surrendered, both the parents should sign the surrender document. If one of parents is deceased, proof of death is to be furnished. In case of an unwed mother or single or legal guardian where surrender of the child or children is the last alternative, the following format shall apply. **In case of biological parents, the format shall be filled in duplicate, one for biological mother and other for biological father.** If anyone other than the above categories surrenders the child, then the procedure shall be followed as for an abandoned child.)

I. Declaration by Person surrendering the child or children

I -------------------------, have read the following statements carefully and understand the same. I have received counselling and information about the effects of my consent and I am making the statement without coercion or threat and without receiving any payment or compensation of any kind.

I, the undersigned:

Family name: ....

First name(s): ....

Date of birth: day .... month .... year ...

Permanent Address: ....

Mother [] Father [] Legal representative [] of the child:

Family name: ....

First name(s): ....

Sex: male [] female []

Date of birth: day .... month .... year ....

Place of birth: ....

Address: ....

declare as follows:

(i) freely consent to the surrender of my child or children named----------- .

(ii) terminate the legal parent-child relationship between the said child or children and me.

(iii) understand that my child may be adopted by person(s) residing in India or abroad and give my consent for this purpose.

(iv) understand that the adoption of this child will create a permanent parent-child relationship with the adoptive parent(s).

(v) have been informed that I may withdraw my consent until 60th day of this surrender deed after which my consent will be irrevocable and I shall have no claim over the child or children.

I relinquish the child or children for the reason-----------------------------------

I wish or do not wish(please tick which ever is applicable) my identity and address to be disclosed to my child when he or she returns for root search.

I declare that I have fully understood the above statements.

Done at .... on ....

(Signature or Thumb Impression of surrendering person)

II. Declaration by Witnesses

I the undersigned have witnessed the above surrender.

(a) Signature, Name and Address of the first Witness

....

....

(b) Signature, Name and Address of the second Witness

....

....

III. Certification of CHILD WELFARE COMMITTEE Member

Name: ....

Title: ....

I hereby certify that the person and the witness(es) named or identified above appeared before me this date and signed this document in my presence.

Done at .... on ....

Signature & Seal

***

SCHEDULE III

[**See paragraph 16(3)**]

CERTIFICATE DECLARING CHILD LEGALLY FREE FOR ADOPTION

1. In exercise of the powers vested in the Child Welfare Committee_________________ constituted under sub-section______ of section______ of the Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006 and sub-rule____ of rule____ of these rules, minor_________________________ born on (date) ____________ placed in custody of Specialised Adoption Agency (name & address) ____________________, __________________________vide order no. ___________ dated _____________ of the Child Welfare Committee __________________________________, has been declared legally free for adoption on the basis of details furnished through:

(a) Inquiry or home study conducted by Child Welfare Officer or Social Worker or Case Worker

(b) Document of surrender executed by the parent(s) and surrender deed signed in the presence of the Child Welfare Committee.

(c) Declaration submitted by the Specialised Adoption Agency.

2. This is to certify that

(a) The child is adoptable, the biological mother or parents or guardians have been counselled and duly informed of the effects of their consent and the adoption will result in the termination of the legal relationship between the child and his or her family of origin;

(b) The biological mother or parents or guardians has or have given their consent freely, in the required legal form, and the consents have not been induced by payment or compensation of any kind and the consent of the mother (where required), has been given only after the birth of the child;

Child Welfare Committee

Date and Place

***

SCHEDULE IV

[**See paragraph 18(2)**]

REGISTRATION FORM FOR PROSPECTIVE ADOPTIVE PARENTS

Parents Registration form

Marital Details:

Marital Status

……………………………………………………………………………………………..…………………

Date of Marriage.

Applicant Category:

Status Couple ☐ Male ☐ Female ☐

Personal Information:

	Male	Female
Name		……………………………. ……
		……………………………………
Nationality		………………………………….
		……………………………………
Date of Birth		…………………………………
		……………………………………..
Annual Income (in Rs.)		…………………………………
		……………………………………..
Education		…………………………………
		………………………………………

Professional Details

Working

……………………………………………………………………………………...

Place of Work

……………………………………………………………………………………

Office Contact no.

……………………………………………………………………………………..

No. of Biological/Adopted Children:

………………………………………………………………………...………………

Contact Details:

Residence Address

……………………………………………………………………………………

State

……………………………………………………………………………………..

Pin Code

……………………………………………………………………………………..

Phone No.

……………………………………………………………………………..

Mobile No.

……………………………………………………………………………..

Email Id.

……………………………………………………..............................

Identification Details:

Id Proof Type ☐ PAN Card ☐ Voter Id ☐ Passport

Male ID No. …………………………………..

…………………………………………..

Female Id No. ……………………………………..

…………………………………...……

Child Preferences for Adoption

Gender …………………………………………..

…………………………………..

Age

……………………………………………………………………………

Preference of State & Agency for Adoption

State ……………………..

…………………………………………………….

Agency Id

…………………………………………………………………………..

Name of the Agency

…………………………………………………………………………..

Address …………………………………………….

……………………………….

Motivation for Adoption (Max 200 Characters)

Signature of the Prospective Adoptive Parents:

Signature of the Professional Social Worker:

***

SCHEDULE V

[**See paragraph 20(1)**]

DOCUMENTS REQUIRED FOR REGISTRATION BY PAPS IN INDIA

The following documents are required to be produced in original along with two self attested copies by the PAPs:-

(a) Proof of identity(voter card or pan card or passport or driving license)

(b) Proof of address indicating residence in India exceeding 365 days

(c) Marriage Certificate

(d) Family Photograph (Three recent postcard sized photographs of the adoptive family).

(e) Health certificate by a registered medical practitioner certifying that the PAPs are not suffering from any contagious or terminal disease or any such mental or physical condition, which may prevent them from taking care of the child.

(f) Two letters of recommendation from persons who know the family well. Such recommendations should not be from immediate relatives of either spouse.

(g) If the PAPs are self-employed, IT statement for the last three years and if they are employed, Income Certificate from the employer also indicating the date of superannuation.

(h) Financial statement including copies of bank statement for the last six months, details of movable and immovable property owned by the family and details of loans taken by the PAPs.

(i) Written consent of the biological or adopted child or children and if they are above 7 years of age.

(j) Adoption decree, if the couple have adopted child or children earlier.

(k) Divorce or legal separation decree in case of single PAP(if applicable).

(l) Letter from close relative of single PAP stating that in the event of any unforeseen circumstance, the relative would take care of the child.

(m) Copy of the passport of PAPs and in case the parents do not have passport, undertaking to that effect.

(It is clarified that infertility certificate is not required from the PAPs wishing to adopt a child)

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SCHEDULE VI

[**See paragraph 20(3), 28(1), 87(2) and 91**]

FORMAT FOR PREPARATION OF HOME STUDY REPORT (HSR)

(Professional social worker with MSW or MA Psychology background attached to an adoption agency or any competent person identified by the State Government is competent to prepare Home Study Report.)

Assessing the ability of a couple to parent a child not born to them is of crucial importance in a successful adoption. Therefore, their suitability to care for an unrelated child is assessed through a home study.

It is important to know the couple's general attitude towards adoption, particularly of an unrelated child, and the motivating force behind their decision to adopt. Their attitude to illegitimacy is an important consideration since a negative attitude may adversely condition their response to a child born out of wedlock. Positive qualities that can be identified are:- an evident enthusiasm to adopt, adjustability and tolerance in their requirements of the child. Negative characteristics can be identified as :- tension in their martial relationship, anticipation of the adoption as a means of alleviating some personal problem, or indecisiveness in their commitment to adoption.

In general, motives those focus on the needs of the child, rather than those of the adoptive parents are acceptable. Some couple may wish to adopt to repair their shaky marriage, to bring in a companion and playmate for their natural born child or to replace an expired child. Combating the loneliness of a mother, creating new interest in the life of a sick and miserable parent, or anticipation of support in old age may be other motives. These are irrational and unrealistic motives and the applicants should be helped to reflect on these areas and even advised to refrain from adopting a child in such cases. They should understand that a child can not be made a tool in solving the problems of two adults.

It is further important to explore whether both the spouses are equally eager to adopt or if one of them is going along with the plan just to please his or her partner.

(a) Identifying Information: Following information is required for PAP or s.

Name:

Age :

Years of Marriage :

Educational Qualifications :

Financial Situation :

Occupation :

Religion :

Health History :

(b) Detail's of other children and family members

Name and age of both biological or adopted children:

Current relationship between the parents and biological children, if any;

Development of already adopted children,if any

Details of other family members:

Home and Neighborhoods::

(c) Description and amenities of the Home

Standard of living as it appears in the Home:

Accommodation for the child:

(d) Current relationship between husband and wife:

(e) Attitude of grand-parent and relatives towards adoption:

(f) Anticipated plans for the adoptive child:

(g) Psycho-Social Assessment of the Couple:

Information needs to be collected in several areas to enable the social worker to form a composite psychosocial picture of the adopting couple. Some of the areas are mentioned below:

General Impression of the Couple:

Emotional Health:

Value System:

Social Status and background of Adopting Couple:

Quality of Marital Relationship:

Previous history of divorce or living relationship etc.

(h) Capacity for Parenthood and Expectations of a Child:

This includes a capacity to love, accept and offer emotional security to children, a capacity to permit them to grow in their own individuality, a readiness to accept and understand the behavioural problems of children and to be flexible and realistic in their expectations from children.

It is also necessary to explore if the applicants have strong pre-conceived ideas as to what the child should be like. Some parents have a dream image of a child or a desire that the child should become exactly like his or her father or mother in all respects. A child cannot be laden with the burden of futuristic expectations of the adoptive parents. When a relationship is based on such motivations there is an undue emphasis on loyalty. Couples should be helped to understand that a child is a separate entity with his own individuality. Areas which should be explored are a couple's rigidity or otherwise about the background of the child, whether they will be willing to let a child grow in his own way at his own speed while they support him with loving discipline, and their hopes and plans for the child.

If the wife is working the social worker should discuss with her whether she plans to continue to work or to give up her job. If her intention is to continue with her job, it should be ascertained what plans she would be making for the child's care while she is at work.

(i) Attitude of Significant Others:

In our traditional cultural set up, next in importance to the applicants themselves, come the members of their extended family. If there are any biological children old enough to have an opinion in the matter, their views regarding the adoption plan and the extent to which their parents have prepared them should be ascertained. If the applicants are living in a joint family, it would be advisable to meet all the family members living in the home. Both sets of prospective adoptive grand parents should be seen where possible. Such contact with significant relatives would give evidence of their degree of support of the adoption plan of the couple, ensure their positive involvement and also held ascertain if they need support in resolving their own feelings about the idea.

(j) Others Issues:

Plans to Tell the Child of His or Her Adoption:

Evaluation of Strengths and Weaknesses, and Social Worker's Recommendations:

Motivation for Adoption:

Family's Consideration of Possible Medical or Special Needs

S.No.		Yes	No	May be
1.	Low birth weight			
2.	Premature birth			
3.	Birthmark : On visible part of body, not disfiguring			
4.	Heart defect: Minor : (Murmur, etc.) (No surgery required) Major: (requires open heart surgery)			
5.	Hepatitis B. carrier			
6.	Blood disorders: a) Thalassemia b) Sickle cell anemia c) Hemophilia (bleeder)			
7.	Child needing sex change due to injury of birth defect			
8.	Child requiring wheel chair			
9.	Spina Bifida-walk with help, crutches braces, etc.			
10.	Cerebral Palsy: Mild Moderate Severe			
11.	Orthopaedic problem Correctable (now using braces or crutches or future ability)			
12.	Rickets			
13	Congenital hip defect			

S.No.		Yes	No	May be
14.	Malformations: Webbing of fingers and or or toss (operatable) Partially formed fingers and or or toes Club foot or feet (correctable) Missing or malformed ear Missing or malformed fingers and or or toes Missing limb(s) Malformed limb(s)			
15.	Vision ❑ Child with vision in one eye ❑ Child with poor vision, unstable eyesight ❑ Child with crossed or wandering eyes (squint) ❑ Totally Blind			
16.	Hearing: Partial hearing, stable Partial hearing, unstable Totally deaf			
17.	Diabetes			
18.	Seizure disorders (Epilepsy) Mild Severe Controlled with medication (does not include frequent Convulsion which are common)			
19.	Cleft lip Cleft palate Cleft lip & palate Facial clefts			
20.	Malnutrition Mild Severe			
21.	Kidney malfunction: Mild Severe			
22.	Burns (needing plastic surgery) On arms & legs On face Mild Severe			

S.No.		Yes	No	May be
23.	Developmental delay (Child who is behind emotionally, physically, and or or socially): Mild Severe			
24.	Emotional problems			
25.	Abuse : Physical Sexual			
26.	Hyperactivity: Mild Severe			
27.	Learning disability: Mild or moderate			
28.	Speech stuttering: Delayed speech No speech			
29.	Positive VDRL (Congenital Syphilis)			
30.	Family background: Family history of medical problems Alcoholism Drug usage Parent who is mentally ill One parent mentally retarded			
31.	Multiple birth defects			
32.	Dwarfism			
33.	Twins or Sibling groups older children above 6 years			
34.	Requires some corrective surgery of a minor nature			

The information regarding Name of the Social Worker, His or Her Qualifications, Name and Address of the Agency should come at the end of the Home study, and should include the signature or the social worker who has prepared the Home Study.

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SCHEDULE VII

[**See paragraph 23(3)**]

LIST OF DOCUMENTS TO BE FILED ALONG WITH THE ADOPTION PETITION IN THE COURT

1. Domestic Adoption

(i) Affidavit for Court Order under relevant Act

(ii) Copy of the CSR & MER duly signed by the PAPs

(iii) Proof of residence

(iv) Income certificate for the last three years

(v) Marriage certificate & Photograph

(vi) Birth certificate of the PAP(s)

(vii) Copy of the HSR, its annexure including reference letters

(viii) Copy of recognition of the agency for in-country adoption

(ix) Copy of the Child Welfare Committee Certificate along with surrender deed wherever applicable

(No infertility certificate is required for filing the same in the court)

2. Inter-country Adoption

(i) Affidavit for Court Order under relevant Act

(ii) Copy of the CSR & MER duly signed by the PAP

(iii) Proof of residence

(iv) Income certificate for the last three years

(v) Marriage certificate & Photograph

(vi) Birth certificate of the PAP(s)

(vii) Copy of the HSR, its annexure including reference letters as provided under CARA Guidelines

(viii) Copy of the license of inter-country adoption (recognition certificate from CARA)

(ix) Copy of the Child Welfare Committee Certificate along with surrender deed wherever applicable

(x) Copy of the recommendation certificate issued by ARC

(xi) NOC issued from CARA

(xii) Power of Attorney from PAPs in favour of the official or social worker of the RIPA

(No infertility certificate is required for filing in the court)

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SCHEDULE VIII

[See paragraph 25 and 38]

TIMELINES

(a)	Children to be declared free for adoption by Child Welfare Committee	As per JJ Act and its Rules
(b)	Home Study for In-country Adoption	Within a period of two months from the date of acceptance of registration of the PAP
(c)	Referral for adoption	Immediately upon the child being declared legally free by Child Welfare Committee
(d)	Acceptance of referral by Indian PAPs	10 days

(e)	Pre-adoption Foster Care for In-country	Immediately after acceptance of referral and on signing of foster care affidavit.
(f)	Filing petition in the court by SAA for in-country adoption	10 days after receipt of Referral from PAPs
(g)	Acceptance of referral by FPAP	45 days
(h)	Recommendation certificate from Adoption Recommendation Committee (ARC)	• 15 days in case of normal children • 5days in case of special needs
(i)	NOC by CARA	15 days
(j)	Pre-adoption foster care by FPAP	Immediately after issue of NOC by CARA signing of foster care affidavit and giving undertaking not to leave the country prior to issue of court order
(k)	Filing petition in the court by RIPA	10 days after receipt of NOC
(l)	Court Order	2 months (maximum period) or in the first hearing itself
(m)	Passport	10 days from the date of application
(n)	Visa	To be issued by the foreign diplomatic mission in India expeditiously in the light of stipulations under Hague Convention on Inter-country Adoption-1993

SCHEDULE IX

[See paragraph 26(2)]

CONVENTION ON PROTECTION OF CHILDREN AND CO-OPERATION IN RESPECT OF INTERCOUNTRY ADOPTION

(Concluded 29 May 1993)

The States signatory to the present Convention,

Recognising that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Recalling that each State should take, as a matter of priority, appropriate measures to enable the child to remain in the care of his or her family of origin,

Recognising that inter-country adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of origin,

Convinced of the necessity to take measures to ensure that inter-country adoptions are made in the best interests of the child and with respect for his or her fundamental rights, and to prevent the abduction, the sale of, or traffic in children, Desiring to establish common provisions to this effect, taking into account the principles set forth in international instruments, in particular the *United Nations Convention on the Rights of the Child*, of 20 November 1989, and the United Nations Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally (General Assembly Resolution 41 or 85, of 3 December 1986),

Have agreed upon the following provisions –

C HAPTER I - SCOPE OF THE CONVENTION

Article 1

The objects of the present Convention are -

(a) to establish safeguards to ensure that intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights as recognised in international law;

(b) to establish a system of co-operation amongst Contracting States to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children;

(c) to secure the recognition in Contracting States of adoptions made in accordance with the Convention.

Article 2

(1) The Convention shall apply where a child habitually resident in one Contracting State ("the State of origin") has been, is being, or is to be moved to another Contracting State ("the receiving State") either after his or her adoption in the State of origin by spouses or a person habitually resident in the receiving State, or for the purposes of such an adoption in the receiving State or in the State of origin.

(2) The Convention covers only adoptions which create a permanent parent-child relationship.

Article 3

The Convention ceases to apply if the agreements mentioned in Article 17, sub-paragraph *c*, have not been given before the child attains the age of eighteen years.

CHAPTER II - REQUIREMENTS FOR INTERCOUNTRY ADOPTIONS

Article 4

An adoption within the scope of the Convention shall take place only if the competent authorities of the State of origin -

a) have established that the child is adoptable;

b) have determined, after possibilities for placement of the child within the State of origin have been given due consideration, that an intercountry adoption is in the child's best interests;

c) have ensured that

(1) the persons, institutions and authorities whose consent is necessary for adoption, have been counselled as may be necessary and duly informed of the effects of their consent, in particular whether or not an adoption will result in the termination of the legal relationship between the child and his or her family of origin,

(2) such persons, institutions and authorities have given their consent freely, in the required legal form, and expressed or evidenced in writing,

(3) the consents have not been induced by payment or compensation of any kind and have not been withdrawn, and

(4) the consent of the mother, where required, has been given only after the birth of the child; and

d) have ensured, having regard to the age and degree of maturity of the child, that

(1) he or she has been counselled and duly informed of the effects of the adoption and of his or her consent to the adoption, where such consent is required,

(2) consideration has been given to the child's wishes and opinions,

(3) the child's consent to the adoption, where such consent is required, has been given freely, in the required legal form, and expressed or evidenced in writing, and

(4) such consent has not been induced by payment or compensation of any kind.

Article 5

An adoption within the scope of the Convention shall take place only if the competent authorities of the receiving State -

a) have determined that the prospective adoptive parents are eligible and suited to adopt;

b) have ensured that the prospective adoptive parents have been counselled as may be necessary; and

c) have determined that the child is or will be authorised to enter and reside permanently in that State.

CHAPTER III - CENTRAL AUTHORITIES AND ACCREDITED BODIES

Article 6

(1) A Contracting State shall designate a Central Authority to discharge the duties which are imposed by the Convention upon such authorities.

(2) Federal States, States with more than one system of law or States having autonomous territorial units shall be free to appoint more than one Central Authority and to specify the territorial or personal extent of their functions. Where a State has appointed more than one Central Authority, it shall designate the Central Authority to which any communication may be addressed for transmission to the appropriate Central Authority within that State.

Article 7

(1) Central Authorities shall co-operate with each other and promote co-operation amongst the competent authorities in their States to protect children and to achieve the other objects of the Convention.

(2) They shall take directly all appropriate measures to -

a) provide information as to the laws of their States concerning adoption and other general information, such as statistics and standard forms;

b) keep one another informed about the operation of the Convention and, as far as possible, eliminate any obstacles to its application.

Article 8

Central Authorities shall take, directly or through public authorities, all appropriate measures to prevent improper financial or other gain in connection with an adoption and to deter all practices contrary to the objects of the Convention.

Article 9

Central Authorities shall take, directly or through public authorities or other bodies duly accredited in their State, all appropriate measures, in particular to -

a) collect, preserve and exchange information about the situation of the child and the prospective adoptive parents, so far as is necessary to complete the adoption;

b) facilitate, follow and expedite proceedings with a view to obtaining the adoption;

c) promote the development of adoption counselling and post-adoption services in their States;

d) provide each other with general evaluation reports about experience with intercountry adoption;

e) reply, in so far as is permitted by the law of their State, to justified requests from other Central Authorities or public authorities for information about a particular adoption situation.

Article 10

Accreditation shall only be granted to and maintained by bodies demonstrating their competence to carry out properly the tasks with which they may be entrusted.

Article 11

An accredited body shall -

a) pursue only non-profit objectives according to such conditions and within such limits as may be established by the competent authorities of the State of accreditation;

b) be directed and staffed by persons qualified by their ethical standards and by training or experience to work in the field of intercountry adoption; and

c) be subject to supervision by competent authorities of that State as to its composition, operation and financial situation.

Article 12

A body accredited in one Contracting State may act in another Contracting State only if the competent authorities of both States have authorised it to do so.

Article 13

The designation of the Central Authorities and, where appropriate, the extent of their functions, as well as the names and addresses of the accredited bodies shall be communicated by each Contracting State to the Permanent Bureau of the Hague Conference on Private International Law.

CHAPTER IV - PROCEDURAL REQUIREMENTS IN INTERCOUNTRY ADOPTION

Article 14

Persons habitually resident in a Contracting State, who wish to adopt a child habitually resident in another Contracting State, shall apply to the Central Authority in the State of their habitual residence.

Article 15

(1) If the Central Authority of the receiving State is satisfied that the applicants are eligible and suited to adopt, it shall prepare a report including information about their identity, eligibility and suitability to adopt, background, family and medical history, social environment, reasons for adoption, ability to undertake an intercountry adoption, as well as the characteristics of the children for whom they would be qualified to care.

(2) It shall transmit the report to the Central Authority of the State of origin.

Article 16

(1) If the Central Authority of the State of origin is satisfied that the child is adoptable, it shall -

a) prepare a report including information about his or her identity, adoptability, background, social environment, family history, medical history including that of the child's family, and any special needs of the child;

b) give due consideration to the child's upbringing and to his or her ethnic, religious and cultural background;

c) ensure that consents have been obtained in accordance with Article 4; and

d) determine, on the basis in particular of the reports relating to the child and the prospective adoptive parents, whether the envisaged placement is in the best interests of the child.

(2) It shall transmit to the Central Authority of the receiving State its report on the child, proof that the necessary consents have been obtained and the reasons for its determination on the placement, taking care not to reveal the identity of the mother and the father if, in the State of origin, these identities may not be disclosed.

Article 17

Any decision in the State of origin that a child should be entrusted to prospective adoptive parents may only be made if -

a) the Central Authority of that State has ensured that the prospective adoptive parents agree;

b) the Central Authority of the receiving State has approved such decision, where such approval is required by the law of that State or by the Central Authority of the State of origin;

c) the Central Authorities of both States have agreed that the adoption may proceed; and

d) it has been determined, in accordance with Article 5, that the prospective adoptive parents are eligible and suited to adopt and that the child is or will be authorised to enter and reside permanently in the receiving State.

Article 18

The Central Authorities of both States shall take all necessary steps to obtain permission for the child to leave the State of origin and to enter and reside permanently in the receiving State.

Article 19

(1) The transfer of the child to the receiving State may only be carried out if the requirements of Article 17 have been satisfied.

(2) The Central Authorities of both States shall ensure that this transfer takes place in secure and appropriate circumstances and, if possible, in the company of the adoptive or prospective adoptive parents.

(3) If the transfer of the child does not take place, the reports referred to in Articles 15 and 16 are to be sent back to the authorities who forwarded them.

Article 20

The Central Authorities shall keep each other informed about the adoption process and the measures taken to complete it, as well as about the progress of the placement if a probationary period is required.

Article 21

(1) Where the adoption is to take place after the transfer of the child to the receiving State and it appears to the Central Authority of that State that the continued placement of the child with the prospective adoptive parents is not in the child's best interests, such Central Authority shall take the measures necessary to protect the child, in particular -

a) to cause the child to be withdrawn from the prospective adoptive parents and to arrange temporary care;

b) in consultation with the Central Authority of the State of origin, to arrange without delay a new placement of the child with a view to adoption or, if this is not appropriate, to arrange alternative long-term care; an adoption shall not take place until the Central Authority of the State of origin has been duly informed concerning the new prospective adoptive parents;

c) as a last resort, to arrange the return of the child, if his or her interests so require.

(2) Having regard in particular to the age and degree of maturity of the child, he or she shall be consulted and, where appropriate, his or her consent obtained in relation to measures to be taken under this Article.

Article 22

(1) The functions of a Central Authority under this Chapter may be performed by public authorities or by bodies accredited under Chapter III, to the extent permitted by the law of its State.

(2) Any Contracting State may declare to the depositary of the Convention that the functions of the Central Authority under Articles 15 to 21 may be performed in that State, to the extent permitted by the law and subject to the supervision of the competent authorities of that State, also by bodies or persons who -

a) meet the requirements of integrity, professional competence, experience and accountability of that State; and

b) are qualified by their ethical standards and by training or experience to work in the field of intercountry adoption.

(3) A Contracting State which makes the declaration provided for in paragraph 2 shall keep the Permanent Bureau of the Hague Conference on Private International Law informed of the names and addresses of these bodies and persons.

(4) Any Contracting State may declare to the depositary of the Convention that adoptions of children habitually resident in its territory may only take place if the functions of the Central Authorities are performed in accordance with paragraph 1.

(5) Notwithstanding any declaration made under paragraph 2, the reports provided for in Articles 15 and 16 shall, in every case, be prepared under the responsibility of the Central Authority or other authorities or bodies in accordance with paragraph 1.

CHAPTER V - RECOGNITION AND EFFECTS OF THE ADOPTION

Article 23

(1) An adoption certified by the competent authority of the State of the adoption as having been made in accordance with the Convention shall be recognised by operation of law in the other Contracting States. The certificate shall specify when and by whom the agreements under Article 17, sub-paragraph c), were given.

(2) Each Contracting State shall, at the time of signature, ratification, acceptance, approval or accession, notify the depositary of the Convention of the identity and the functions of the authority or the authorities which, in that State, are competent to make the certification. It shall also notify the depositary of any modification in the designation of these authorities.

Article 24

The recognition of an adoption may be refused in a Contracting State only if the adoption is manifestly contrary to its public policy, taking into account the best interests of the child.

Article 25

Any Contracting State may declare to the depositary of the Convention that it will not be bound under this Convention to recognise adoptions made in accordance with an agreement concluded by application of Article 39, paragraph 2.

Article 26

(1) The recognition of an adoption includes recognition of

a) the legal parent-child relationship between the child and his or her adoptive parents;

b) parental responsibility of the adoptive parents for the child;

c) the termination of a pre-existing legal relationship between the child and his or her mother and father, if the adoption has this effect in the Contracting State where it was made.

(2) In the case of an adoption having the effect of terminating a pre-existing legal parent-child relationship, the child shall enjoy in the receiving State, and in any other Contracting State where the adoption is recognised, rights equivalent to those resulting from adoptions having this effect in each such State.

(3) The preceding paragraphs shall not prejudice the application of any provision more favourable for the child, in force in the Contracting State which recognises the adoption.

Article 27

(1) Where an adoption granted in the State of origin does not have the effect of terminating a pre-existing legal parent-child relationship, it may, in the receiving State which recognises the adoption under the Convention, be converted into an adoption having such an effect -

a) if the law of the receiving State so permits; and

b) if the consents referred to in Article 4, sub-paragraphs c and d, have been or are given for the purpose of such an adoption.

(2) Article 23 applies to the decision converting the adoption.

CHAPTER VI - GENERAL PROVISIONS

Article 28

The Convention does not affect any law of a State of origin which requires that the adoption of a child habitually resident within that State take place in that State or which prohibits the child's placement in, or transfer to, the receiving State prior to adoption.

Article 29

There shall be no contact between the prospective adoptive parents and the child's parents or any other person who has care of the child until the requirements of Article 4, sub-paragraphs *a)* to *c)*, and Article 5, sub-paragraph *a)*, have been met, unless the adoption takes place within a family or unless the contact is in compliance with the conditions established by the competent authority of the State of origin.

Article 30

(1) The competent authorities of a Contracting State shall ensure that information held by them concerning the child's origin, in particular information concerning the identity of his or her parents, as well as the medical history, is preserved.

(2) They shall ensure that the child or his or her representative has access to such information, under appropriate guidance, in so far as is permitted by the law of that State.

Article 31

Without prejudice to Article 30, personal data gathered or transmitted under the Convention, especially data referred to in Articles 15 and 16, shall be used only for the purposes for which they were gathered or transmitted.

Article 32

(1) No one shall derive improper financial or other gain from an activity related to an intercountry adoption.

(2) Only costs and expenses, including reasonable professional fees of persons involved in the adoption, may be charged or paid.

(3) The directors, administrators and employees of bodies involved in an adoption shall not receive remuneration which is unreasonably high in relation to services rendered.

Article 33

A competent authority which finds that any provision of the Convention has not been respected or that there is a serious risk that it may not be respected, shall immediately inform the Central Authority of its State. This Central Authority shall be responsible for ensuring that appropriate measures are taken.

Article 34

If the competent authority of the State of destination of a document so requests, a translation certified as being in conformity with the original must be furnished. Unless otherwise provided, the costs of such translation are to be borne by the prospective adoptive parents.

Article 35

The competent authorities of the Contracting States shall act expeditiously in the process of adoption.

Article 36

In relation to a State which has two or more systems of law with regard to adoption applicable in different territorial units -

a) any reference to habitual residence in that State shall be construed as referring to habitual residence in a territorial unit of that State;

b) any reference to the law of that State shall be construed as referring to the law in force in the relevant territorial unit;

c) any reference to the competent authorities or to the public authorities of that State shall be construed as referring to those authorised to act in the relevant territorial unit;

d) any reference to the accredited bodies of that State shall be construed as referring to bodies accredited in the relevant territorial unit.

Article 37

In relation to a State which with regard to adoption has two or more systems of law applicable to different categories of persons, any reference to the law of that State shall be construed as referring to the legal system specified by the law of that State.

Article 38

A State within which different territorial units have their own rules of law in respect of adoption shall not be bound to apply the Convention where a State with a unified system of law would not be bound to do so.

Article 39

(1) The Convention does not affect any international instrument to which Contracting States are Parties and which contains provisions on matters governed by the Convention, unless a contrary declaration is made by the States Parties to such instrument.

(2) Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention.

Article 40

No reservation to the Convention shall be permitted.

Article 41

The Convention shall apply in every case where an application pursuant to Article 14 has been received after the Convention has entered into force in the receiving State and the State of origin.

Article 42

The Secretary General of the Hague Conference on Private International Law shall at regular intervals convene a Special Commission in order to review the practical operation of the Convention.

CHAPTER VII - FINAL CLAUSES

Article 43

(1) The Convention shall be open for signature by the States which were Members of the Hague Conference on Private International Law at the time of its Seventeenth Session and by the other States which participated in that Session.

(2) It shall be ratified, accepted or approved and the instruments of ratification, acceptance or approval shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, depositary of the Convention.

Article 44

(1) Any other State may accede to the Convention after it has entered into force in accordance with Article 46, paragraph 1.

(2) The instrument of accession shall be deposited with the depositary.

(3) Such accession shall have effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to its accession in the six months after the receipt of the notification referred to in sub-paragraph *b)* of Article 48. Such an objection may also be raised by States at the time when they ratify, accept or approve the Convention after an accession. Any such objection shall be notified to the depositary.

Article 45

(1) If a State has two or more territorial units in which different systems of law are applicable in relation to matters dealt with in the Convention, it may at the time of signature, ratification, acceptance, approval or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

(2) Any such declaration shall be notified to the depositary and shall state expressly the territorial units to which the Convention applies.

(3) If a State makes no declaration under this Article, the Convention is to extend to all territorial units of that State.

Article 46

(1) The Convention shall enter into force on the first day of the month following the expiration of three months after the deposit of the third instrument of ratification, acceptance or approval referred to in Article 43.

(2) Thereafter the Convention shall enter into force -

a) for each State ratifying, accepting or approving it subsequently, or acceding to it, on the first day of the month following the expiration of three months after the deposit of its instrument of ratification, acceptance, approval or accession;

b) for a territorial unit to which the Convention has been extended in conformity with Article 45, on the first day of the month following the expiration of three months after the notification referred to in that Article.

Article 47

(1) A State Party to the Convention may denounce it by a notification in writing addressed to the depositary.

(2) The denunciation takes effect on the first day of the month following the expiration of twelve months after the notification is received by the depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation takes effect upon the expiration of such longer period after the notification is received by the depositary.

Article 48

The depositary shall notify the States Members of the Hague Conference on Private International Law, the other States which participated in the Seventeenth Session and the States which have acceded in accordance with Article 44, of the following -

a) the signatures, ratifications, acceptances and approvals referred to in Article 43;

b) the accessions and objections raised to accessions referred to in Article 44;

c) the date on which the Convention enters into force in accordance with Article 46;

d) the declarations and designations referred to in Articles 22, 23, 25 and 45;

e) the agreements referred to in Article 39;

f) the denunciations referred to in Article 47.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention. Done at The Hague, on the 29th day of May 1993, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the States Members of the Hague Conference on Private International Law at the date of its Seventeenth Session and to each of the other States which participated in that Session.

***

SCHEDULE X

[See paragraph 31(6)]

DOCUMENTS TO BE FILED BY THE RIPA BEFORE ARC AND CARA FOR ISSUE OF NOC

A. Child Specific Documents:

1. Child Study Report (along with background of the Child) accepted by the PAPs
2. Medical Examination Report(with supporting documents) of the child accepted by the PAPs
3. Affidavit by the RIPA as provided in **Schedule 11.**
4. Declaration by CWC (Child Welfare Committee), the competent authority in case of children in need of care and protection, that the child is legally free for adoption
5. Letter in the case of a child who can understand and expresses his or her consent
6. Latest original photograph of the child
7. Transfer certificate in case the child has been transferred from one State or district or agency to another

B. PAPs related documents (received from AFAA or CA or Govt Department for Inter-country Adoption):

S.No.	Documents
a.	Declaration by Central Authority of the receiving country with following declarations as provided under Article 5 of the Hague Convention on Inter-country Adoption: •That the PAPs are eligible & suitable to adopt a child from India as per the Law of their country; •That the PAPs have been counseled as may be necessary; •That the child on adoption by the PAPs will be authorized to enter and reside permanently in that country. or Agreement under Article 17 of the Hague Convention
c.	Home Study Report of the prospective foreign adoptive parents prepared by a professional social worker of EFAA or person authorized by Central Authority or Government Departments.
d.	Recent photographs of the PAP(s)

e.	Marriage certificate/ Divorce decree of the PAP(s)
f.	Certificate of medical fitness of PAP(s) duly certified by a medical doctor.
g.	Declaration regarding financial status of prospective adoptive parents along with supporting documents, employer's certificate or Income Tax Return Order and Bank references.
h.	Three reference letters from acquaintance or relatives regarding suitability of PAPs to adopt.
i.	Adoption decree of previously adopted child or children, if any from India
j.	Police clearance report
k.	Birth certificate or passport, proof of age, nationality and citizenship
l.	Undertaking from a relative in case of a single parent
m.	Consent of the older child or children of the PAP(s)
n.	Any other document

***

SCHEDULE XI

[See paragraph 31(7)]

SAMPLE AFFIDAVIT TO BE SUBMITTED BY RIPA TO ARC & CARA IN CASE OF INTER-COUNTRY ADOPTION

Affidavit of ___________________ working as ____________in (name of the agency) address ____________________.

I ______________, the deponent above named do hereby state of solemn affirmation as under:

That I am the General Secretary or President of (name of the agency) Recognized Indian Placement Agency (RIPA) or Managing Trustee competent to swear this affidavit.

That I confirm that all child related original documents have been verified by me and that such original documents are in possession of our organization and I hereby declare that these documents, copies thereof which are being or have been forwarded for issue of recommendation certificate by ARC **for the child Name ________________________ DOB ___________ proposed to ____________________________________ PAPs from _______________ country through _________________________ EFAA**, are genuine and authentic documents

That child being proposed for inter-country adoption has been declared legally free for adoption by Child Welfare Committee as per J.J. Act 2000 (as amended in 2006).

I do hereby declare that the agency is actively promoting in-country adoption and that the stipulated ratio is being adhered to.

I do hereby declare that if any discrepancy or manipulation or defect is found in the documents submitted by the agency to ARC & CARA, or if such documents are at any time found forged or non-genuine, I shall be liable for all consequences in law including penalties for making false declaration.

I am also aware that violation of any of Guidelines of CARA can lead to de-recognition of the agency and I on behalf of (name of the agency) undertake to follow the CARA guidelines, advisory, circulars and other directions issued by CARA from time to time.

Deponent

VERIFICATION

I the deponent above_______________ do hereby verify that the contents of the above affidavit are true and correct, no parts of it is false and nothing material has been concealed there from.

Verified at (dtd)____________ (Place)__________

Deponent

Sworn and signed before me On day of ____________, 2010

in my presence.

***

SCHEDULE XII

[See paragraph 31(18)]

FORMAT FOR RECOMMENDATION CERTIFICATE OF ARC

Date ___________________

Certified that the committee has examined the adoption dossier received from ___________________ (RIPA) _________________ on ______________________ (Date) __________________ in the case of child ____________________ (Name) ____________________ DOB ____________________ proposed for inter-country adoption to _________________ (Name of PAPs) ______________________ of _________________ (country) ____________________ processed by ____________________ (AFAA).

The Committee has scrutinized the documents and also examined the suitability of the child proposed for adoption vis-à-vis the Prospective adoptive Parents.

The Committee recommends the case for issue of NOC for inter-country adoption to Central Adoption Resource Authority (CARA).

Names of the Members with Signature

***

SCHEDULE XIII

[See paragraph 34(4)]

RECOMMENDED MODEL CERTIFICATE OF CONFORMITY OF INTERCOUNTRY ADOPTION

(ARTICLE 23 OF THE HAGUE CONVENTION OF 29 MAY 1993 ON PROTECTION OF CHILDREN AND CO-OPERATION IN RESPECT OF INTERCOUNTRY ADOPTION)

1 -The undersigned authority:

(Name and address of the competent authority of the State of adoption)

. . . .

. . . .

. . . .

2 -Hereby certifies that the child:

Family name: . . . .

First name(s): . . . .

Sex: Male [ ] Female [ ]

Date of birth: day . . . . month . . . . year . . . .

Place of birth: . . . .

Habitual residence: . . . .

3 -Was adopted according to the decision of the following authority:

. . . .

Date of the decision: . . . .

Date at which the decision became final: . . . .

(If the adoption was made otherwise than by a decision of an authority, please specify the equivalent details)

4 -By the following person(s):

a. Family name of the adoptive father: . . . .

First name(s): . . . .

Date of birth: day . . . . month . . . . year . . . .

Place of birth: . . . .

Habitual residence at the time of the adoption: . . . .

b. Family name of the adoptive mother: . . . .

First name(s): . . . .

Date of birth: day . . . . month . . . . year . . . .

Place of birth: . . . .

Habitual residence at the time of the adoption: . . . .

5 -The undersigned authority certifies that the adoption was made in accordance with the Convention and that the agreements under Article 17, sub-paragraph *c*, were given by:

a. Name and address of the Central Authority of the State of origin:

. . . .

. . . .

. . . .

Date of the agreement: . . . .

b. Name and address of the Central Authority[1] of the receiving State:

. . . .

. . . .

. . . .

Date of the agreement: . . . .

6 -[ ]The adoption had the effect of terminating the pre-existing legal parent-child relationship.

[ ]The adoption did not have the effect of terminating the pre-existing legal parent-child relationship.

Done at . . . . , on . . . . Signature or Seal

(1)Or the public authority, body or person designated in accordance with Article 22(1) or (2) of the Convention.

***

SCHEDULE XIV

[See paragraph 37(1), 48(2) and 48(5)]

FORMAT FOR POST-PLACEMENT REPORT

POST PLACEMENT REPORT NO:

IDENTIFYING INFORMATION:

Child's Original Name: Date of Arrival

Child's Date of Birth:

Child's

New Name:

Family Name:

Address:

Phone:

CONTACT WITH FAMILY:

- Dates of telephone calls and visits leading up to report
- Where visits took place
- Who was present

CHILD'S ADJUSTMENT:

- Current height and weight
- Eating and sleeping habits
- Language (if appropriate)
- Results of physical examinations or doctor visits
- Emotional, physical and social development
- Attachment to family members
- Child's enrollment in school (if appropriate)

FAMILY ADJUSTMENT:

- Family's method of coping with new responsibility; changing roles
- Description of problems family has experienced and how they are managing them
  - o cultural differences (if appropriate)
  - o language
  - o methods of discipline
- Response and attachment to siblings (if applicable)

SIGNIFICANT CHANGES IN FAMILY STRUCTURE or DYNAMICS

- Change of residence, employment, work responsibilities, illnesses, etc

SUMMARY AND RECOMMENDATIONS BY THE PROFESIONAL SOCIAL WORKER:

(Signature)

Social Worker's Name,

Title, Agency Name and Date

SCHEDULE XV

[See paragraph 54(2) (vi), 57(3) (ix) and 95]

MINIMUM STANDARDS OF CHILD CARE

1. All adoption agencies shall adhere to the minimum standards of child care prescribed under the JJ Model Rules 2007 or State JJ Rules. While providing child care,the following issues are important:

(a) A child's neurological growth is complete within the first few years of his or her early childhood and determines the brain's capabilities throughout the rest of his or her life. Moreover, a child needs to have experienced positive attachment by the age of 3 in order to develop cognitively, physically, socially, and psychologically. Hence, every effort shall be made by the SAA to expeditiously find alternate family for such children so that they develop attachment and proper bonding experiences during infancy itself.

(b) Quality child care (early childhood care) means providing adequate health care, immunization, feeding and nutrition, creating a safe environment so that infants and young children can play and socialize with their peers, promoting school readiness and preparing children for primary school and focusing on total development during early years of childhood.

(c) It should be ensured that there is no instance of child abuse and neglect while the child is in the institution.

2. The agencies are required to ensure that the following facilities are provided to the children in the institution:

(a) Physical facilities:

(i) Physical surroundings in which the children are cared for must be clean. Sanitation and hygiene maintained at the agency must be adequate since a majority of children at the institution are small and suffer from numerous ailments. Children below the age of 1 year should be in a room with an attached bathing room and milk room. Children between the age of 1 – 3 years should be kept in a room with an attached bathing and bathroom. The older children need to be separated into two boys room and girls room. Each room must have attached baths, and toilets.

(ii) There should be a separate washing area and a large kitchen and dinning hall for the older children. Good lighting, ventilation and adequate space must be mandatory.

(iii) The home should be neat, clean, particularly, bathrooms, toilets and kitchen. Walls and surroundings must be bright and stimulating. For visual stimulation the rooms should be well painted and decorated with toys, animal cut outs, etc

(b) Medical facilities:

Regular medical inspection must be done. Preferably every alternate day by a registered medical practitioner. The child specialist is best trained to diagnose and treat children who are at risk and highly vulnerable.

(i) Infants and children on admission to institutions should be in quarantine and observation for a week at least.

(ii) Weight, height and head circumference may be noted along with any other details available on the child at admission.

(iii) A medical record should be maintained and a doctor must assess the child as soon as possible, preferably with in 24 hours of his or her admission.

(iv) Each child below the age of six months should be photographed every month, from six months to 3 years every three months and thereafter, every six months.

(v) Immunization should be regularly given and monitored

(vi) Emergency kits should be available at all times in the Home and there should be a doctor on call.

(vii) Staff to be immunized as well.

(viii) General health measures viz hygiene, dental, skin care and diet to be supervised.

(ix) Stimulation is very important for the proper development of the child. This could be achieved by increasing awareness amongst the nurses, helpers by introducing simple stimulation techniques in the daily routine. It is also advised to have a physiotherapist visit the children on a regular basis.

(c) Staff:

(i) The agency must have adequate staff for child care, preferably in the ratio of 4:1 for children below 1 year, 5:1 for children in the age group 1 to 3 years and 8:1 for older children.

(ii) Adoption Homes need personnel who are sensitized to the issues of the children. They need to be "educated" in caring for the children. It is recommended to conduct workshops for nurses, helpers, care takers and other staff to enable them to recognize the special status of these children who our under their care.

(iii) As committed staff is an integral part of good child care, the motivational levels of the staff should be kept high.

(d) Clothing:

It is important that the children in a home are dressed in clean, comfortable and well kept clothes at all times, not just during the visit of the adoptive parents.

(e) Food:

The food in the institution should be hygienically cooked, nourishing and tasty. The menu should be varied. The need of children on a special diet should be attended to. This will help overcome the problems of malnutrition faced by children entering a home. Feeding charts with indication of the formulas may be displayed and followed.

(f) Education:

The SAA should be able to provide informal education through a qualified teacher, and a special educator, or tie up with a school that will take the child or children on a temporary basis.

(g) Volunteers:

It is very essential to talk, hug, hold, play, tell stories and sing to the child to give it a sense of security. Though this should be done regularly by the staff, it is also advisable to encourage volunteers to take up this activity.

***

SCHEDULE XVI

[**See paragraph 58(3), 65(4), 79(1)(o), 87(1)(i) and 107(1)(c)**]

CHILD CARE CORPUS (CCC)

MODALITIES OF PAYMENT BY PAPS & UTILIZATION BY ADOPTION AGENCIES

The adoption agencies are obliged to pursue only non-commercial and non- profit objectives. With an intention to establish absolute transparency in all kinds of financial transactions related to adoption, it is obligatory on the part of RIPA or SAA or LAPA to adhere to stipulations mentioned herein:

A. Registration or HSR Fee & CCC: Modalities of Payment by PAPs

In country Adoption

(a)	Registration Fee:	Rs.1000	-	To be paid at the time of registration, in cash or DD(non-refundable).
(b)	Home Study Report & Post-adoption follow-up services:	Rs.5000	-	To be paid after acceptance of Registration by DD or cheque.
(C)	CCC:	Rs.40,000	-	To be paid after referral is accepted, by DD or cheque.

Inter-country Adoption

CCC: 5000 US$	-	To be paid by DD to RIPA through theAFAAs or CAs, in two equal instalments, one on acceptance of referral and the other on issue of NOC by CARA. In case of siblings, the amount shall be 5000 US$ for one child and 2500 US$ for each other child.

The PAPs shall not make any other payment to the RIPA or SAA or LAPA other than the amounts stipulated above.

B. Utilisation of CCC by RIPA or SAA or LAPA or LAPA

(a) Contribution by the PAPs to the CCC shall be received by the RIPA or SAA or LAPA only by cheque or DD.

(b) The adoption agencies shall utilize the amounts available in the Child Care Corpus only for welfare of the children in the home and maintenance of the home. The amount shall also cover all expenses incurred to finalize the adoption.

(c) In case where the child is placed in inter-country adoption from a SAA through a RIPA under facilitation by SARA, the CCC would be shared between SAA and RIPA in the ratio 70:30 respectively. Such amounts would be transmitted from the AFFA to the RIPA who would then transfer it to the SAA. There will be no requirement of the SAA to have a FCRA account. The amounts would be transferred in the stipulated ratio on receipt of each installment.

(d) In case an agency is de-recognised, and a decision is taken by the State Government to rehabilitate and shift the children of that agency to another agency or agencies, then the balance available in the CCC would be transferred to such agency or agencies receiving the children in the ratio of the number of children transferred.

(e) The Specialized Adoption agency shall maintain a separate bank account for the CCC.

(f) The CCC account should be audited at the end of the financial year by a Chartered Accountant who shall certify that the corpus has been used as stipulated in sub para (b) above.

***

SCHEDULE XVII

[See paragraph 79(1)(q)]

FORMAT FOR SUBMISSION OF MONTHLY DATA ON ADOPTION

Name of the Organisation & Address:

Month _____________Year ______

Part-I

Sl.No.	Subject	Male	Female	Spl. Needs	Total	Remarks
1.1	Total number of children present in the Home					
1.2	Total number of children legally free for adoption					
1.3	Number of surrendered or relinquished children in the Home					
1.4	Number of abandoned children in the Home					
1.5	Number of Court Orders issued **(In-country)** in the month					
1.6	Number of Court Orders issued **(Inter-country)** in the month					
1.7	Number of children in pre-adoption foster care- In-country Inter-country					
1.8	Number of children who have left for receiving country					
1.9	Number of disruptions, if any					

Part-II

2	Number of Prospective Adoptive Parents registered and waiting in the Home as on date:

Signature of the Authorised Signatory

with Stamp and Date

***

SCHEDULE XVIII

[See paragraph 90(2)]

FORMAT OF CHILD STUDY REPORT (CSR)

The detailed report on the child shall include identifying information supported by documents.

Name and address of the Institution: -

I. GENERAL INFORMATION:

1. Name of the Child:---------------------(given by biological mother or parents or by the agency itself or CHILD WELFARE COMMITTEE)
2. Reference No. as per general register of the Institution:
3. Present age and date of birth:

4. Sex:
5. Place of Birth:
6. Religion (if known):

II. SOCIAL DATA:

Please do not give identifying information as name and address of the natural parent.

1. Date of admission of the child to your institution:
2. How did the child come to your institution?
   a) Admitted directly by parent or or any other guardian:
   b) Placed by CHILD WELFARE COMMITTEE directly:
   c) Transferred from any other institution, if so name of the institution:
   d) Any other source:
   e) A brief note about the social background of the child:
3. Reasons for seeking protection in the Institution:
4. Attitudes towards other children:
5. Relationship towards relatives, staff and other adults including strangers:
6. Intelligence (if and where possible, D.Q. report should be enclosed):
7. If the child is school going, give a detailed report about his or her standard, attendance, general interest in studies, progress, defects, if any:
8. General Personality and description of the child:
9. Play activity and any specific talent: Milestones of the child (for children below 18 months). Please mark Yes or No. Does the child
   (a) Smile
   (b) Turn on his sides
   (c) Lift its head
   (d) Grasp objects in its hand
   (e) Crawl on its own
   (f) Sit with full support or Sit without support
   (g) Stand with support or Stand without support
   (h) Walk with support or Walk without support
10. Language Development
    Cooing or Babbles incoherently
    Speaks few words incoherently
    Speaks few words clearly
    Language spoken to the child
11. Dietary Habits
    Intake of Liquids foods
    Semisolids
    Solids
12. Social Background: These details are required to give adoptive parents details of the child, his social history i.e. brief background of the birth parents and circumstances necessitating the child's abandonment. Please do not give identifying information such as name and address of birth parents or relatives:

I_______________ Social Worker hereby certify that the information given in this form about child _______ is correct.

Signature:

Place : Name:

Date : Designation:

We have read and understood the contents of the Child Study report and are willing to accept __________ as our adoptive child.

(Signature of the male applicant) (Signature of the female applicant)

(Name of the male applicant) (Name of the female applicant)

Place : Name:

Date : Designation:

****

SCHEDULE XIX

[See paragraph 90(3)]

FORMAT FOR MEDICAL EXAMINATION REPORT (MER) OF THE CHILD

A duly licensed physician should complete the report. If any information is not available, please state “unknown”.

A. General Information

1.Name of the child :

2.Date and year of birth :

3.Sex:

4.Place of birth:

5.Nationality:

6.Date and year of her birth:

7.Date and year of his birth:

8.Name of the present institution: Placed since:

9.Weight at birth: kg. At admission: kg.

10.Length at birth: cm. At admission: cm.

11.Was the pregnancy and delivery normal? Yes or No or Do not know

12.Where has the child been staying?

With his or her mother: from to

With relatives: from to

In private care: from to

In institution or hospital: from to

(Please state below the name of the institution or institutions concerned)

B. Medical Details

1.Has the child had any diseases during the past time?(if yes, please indicate the age of the child in respect to each disease, as well as any complication) Yes or No or Do not know

2.If yes:

Ordinary children's diseases (whooping cough, measles, chicken-pox, rubella, mumps)?

Tuberculosis?

Convulsions (incl. Febrile convulsions)?

Any other disease?

Exposure to contagious disease?

3. Has the child been vaccinated against any of the following diseases:

Yes or No or Do not know

4. If yes:

Tuberculosis (B.C.G.)?	Date of immunisation:
Diphtheria?	Date of immunisation:
Tetanus?	Date of immunisation:
Whooping cough?	Date of immunisation:
Poliomyelitis?	Date of immunization:
Hepatitis A?	Date of immunisation:
Hepatitis B?	Date of immunisation:
Other immunizations?	Date of immunisation:

5.Has the child been treated in hospital?

Yes or No or Do not know

6.If yes state name of hospital, age of child, diagnosis, and treatment:

7.Give, if possible, a description of the mental development, behaviour and skills of the child.

i) Visual	When was the child able to fix?
ii) Aural	When was the child able to turn its head after sounds?
iii) Motor	When was the child able to sit by itself?
	When was the child able to stand with support?
	Walk without support?
iv) Language	When did the child start to prattle?
	When did the child start to say single words?
	When did the child start to speak sentences?
v) Contact	When did the child start to smile?
	How does the child communicate with adults and other children?
	How does the child react towards strangers?
vi)Emotional	How does the child show emotions (anger, uneasiness, disappointment, joy)?

C.Medical Examination Details:

1. Date of the medical examination

2. Weight :	KG	Date:
3. Height :	KG	Date:
4. Head circumference	cm	Date:

5. Colour of hair: Colour of eyes: Colour of skin:

6. Through my complete clinical examination of the child I have observed the following evidence of disease, impairment or abnormalities of:

7. Head (form of skull, hydrocephalus,craniotabes)

8. Mouth and pharynx (harelip or cleft palate, teeth)

9. Eyes (vision, strabismus, infections)

10. Ears (infections, discharge, reduced hearing, deformity)

11. Organs of the chest (heart, lungs)

12. Lymphatic glands (adenitis)

13. Abdomen (hernia, liver, spleen)

14. Genitals (hypospadia, testis, retention)

15. Spinal column (kyphosis, scoliosis)

16. Extremities (pes equines, valgus, varus, pes calcaneovarus, flexation of the hip, spasticity, paresis)

17. Skin (eczema, infections, parasites)

18. Other diseases?

19. Are there any symptoms of syphilis in the child?

Result of syphilis reaction made (date and year): Positive or Negative or Not done

20. Any symptoms of tuberculosis?

Result of tuberculin test made (date and year) : Positive or Negative or Not done

21. Any symptoms of Hepatitis A?

Result of tests for hepatitis A made (date and year) : Positive or Negative or Not done

22. Any symptoms of Hepatitis B?

Result of tests for Hbs Ag (date and year): Positive or Negative or Not done

Result of test for anti-HBs (date and year): Positive or Negative or Not done

Result of tests for HBeAg (date and year): Positive or Negative or Not done

Result of tests for anti HBe (date and year): Positive or Negative or Not done

23. Any symptoms of AIDS?

Result of tests for HIV made (date and year): Positive or Negative or Not done

24. Does the urine contain:

Sugar?

Albumen?

Phyenylketone?

25. Stools (diarrhoea, constipation):

Examination for parasites: Positive or Negative or Not done

26. Is there any mental disease or retardation of the child?

27. Give a description of the mental development, behaviour and skills of the child. This is of particular value for advising the prospective parents.

28. Any additional comments?

D. Report concerning the psychological and social circumstances of the child (wherever required, assistance may be taken from special educator, physiotherapist, speech therapist and the social worker)

Please decide on each heading.	
i) Activity with toys:	
1. The child's eyes follows rattles or toys, that are moved in front of the child	
2. The child holds on to a rattle	
3. The child plays with rattles: putting it in the mouth, shaking it, moving it from one hand to the other etc	
4. The child puts cubes on top of each other	
5. The child plays purposely with toys: pushes cars, puts dolls to bed, feeds dolls etc	
6. The child plays role-play with toys with other children	
7. The child draws faces, human beings or animals with distinct features	
8.The child cooperates in structured games with other children (ballgames, card games etc)	
ii) Vocalization or language development:	
1. The child vocalizes in contact with caregiver	
2. The child repeats different vowel-consonant combinations (ba-ba, da-da, ma-ma etc)	
3. The child uses single words to communicate needs	
4. The child speaks in sentences	
5. The child understand prepositions as: on top of, under, behind etc	
6. The child uses prepositions as: on top of, under, behind etc	
7. The child speaks in past tense	
8. The child writes his own name	
9. The child reads simple words	
10. No observation available	
iii) Motor development:	
1. The child turns from back to stomach from age: _____________	
2. The child sits without support from age: ___________________	
3. The child crawls or moves forwards from age:_________________	
4. The child walks with support from furniture from age: ________	
5. The child walks alone from age:__________________________	
6. The child walks up and down stairs with support from age: ____	
7. The child walks up and down stairs without support from age:__	
iv) Contact with adults:	
1. The child smiles in contact with known caregiver	
2. The child is more easily soothed when held by known caregiver	
3. The child cries or follows known caregiver, when the caregiver leaves the room	
4. The child actively seeks known caregiver when he or she is upset or has hurt him or herself	
5. The child seeks physical contact with all adults, that come into the ward	
6. The child communicates his feeling in words to caregivers	

v) Contact with other children:
1. The child shows interest in other children by looking or smiling at their activity
2. The child enjoys playing beside other children
3. The child engages actively in activities with other children
vi) General Level of Activity:
1. Positive
2. Active
3. Overactive
vii) General mood:
1. Sober, serious
2. Emotionally indifferent
3. Fussy, difficult to soothe
4. Happy, content

Signature and stamp of the examining physician **Date**

E. Acceptance of MER by PAP(s)

We have read and understood the contents of the Medical Examination Report and are willing to accept __________ as our adoptive child.

(Signature of the male applicant) (Signature of the female applicant)

(Name of the male applicant) (Name of the female applicant)

Date:

Place:

***

[No. 1-3/2007-CARA]

SUDHIR KUMAR, Addl. Secy.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ,

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ